



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA - REGULAR MEETING

Date: May 19, 2004

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

**C-1 Call to Order / Roll Call – N/A**

**C-2 Announcement of Closed Session – N/A**

**C-3 Adjourn to Closed Session – N/A**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

**C-4 Return to Open Session / Disclosure of Action – N/A**

**A. Call to Order / Roll call**

**B. Invocation – Pastor Bill Sherrill, Lodi Police Chaplains**

**C. Pledge of Allegiance**

**D. Presentations**

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

a) Presentation regarding Lodi Area All Veterans' Foundation events (CM)

**E. Consent Calendar (Reading; comments by the public; Council action)**

E-1 Receive Register of Claims in the amount of \$2,193,806.22 (FIN)

E-2 Approve minutes (CLK)

a) April 20, 2004 (Shirtsleeve Session)

b) April 20, 2004 (Special Meeting)

c) April 26, 2004 (Special Meeting)

d) April 27, 2004 (Shirtsleeve Session)

e) May 3, 2004 (Special Meeting)

f) May 4, 2004 (Shirtsleeve Session)

g) May 7, 2004 (Special Meeting)

h) May 8, 2004 (Special Meeting)

i) May 13, 2004 (Special Meeting)

E-3 Approve specifications and authorize advertisement for bids for purchase and installation of Fire Department radio base station emergency alerting systems (FD)

Res. E-4 Adopt resolution approving specifications and authorizing advertisement for bids for metering circuit analyzer and authorizing the City Manager to accept or reject the bids, award the contract, and appropriate funds (\$14,000) (EUD)

- Res. E-5 Adopt resolution approving specifications and authorizing advertisement for bids for a public education trailer, storage cover, and public education equipment and supplies, and further authorizing the City Manager to accept or reject bids, award the contract, and appropriate funds (\$15,000 – City's portion of cost) (FD)
- E-6 Authorize advertisement for transportation services for the Oooh Ahhh Festival and authorize use of buses should no alternate provider be willing to perform the service (PW)
- Res. E-7 Adopt resolution rejecting the sole bid, authorizing advertisement for bids for the Cochran Road Street Improvements from Peach Street to Willow Avenue and further authorizing the City Manager to award or reject the contract (up to \$40,000) (PW)
- Res. E-8 Adopt resolution awarding the purchase of #1/0 medium-voltage EPR-insulated underground conductor to the low bidder, The Okonite Company, of San Ramon, CA (\$52,452.70) (EUD)
- Res. E-9 Adopt resolution awarding the contract for concession operations at Lodi Lake Park and other locations (determined quarterly) for recreational events to Java J'z, Inc., of Woodbridge (PR)
- Res. E-10 Adopt resolution approving the final map, Improvement Agreement, and Water Rights Agreement for Almond North, Tract No. 3396, and appropriate funds for required reimbursements (\$1,120) (PW)
- Res. E-11 Adopt resolution authorizing the City Manager to file the claim for the 2003-04 Transportation Development Act funds in the amount of \$2,013,810 from the Local Transportation Fund and \$5,609 from State Transit Assistance (PW)
- E-12 Authorize the City Manager to execute the Inter-County Hazardous Materials Response Team agreement (FD)
- Res. E-13 Adopt resolution authorizing the City Manager to allocate designated funds to create the Lodi Customer Assistance & Relief Energy Package Program and authorizing the City Manager to execute a contract with the Salvation Army to administer this program (\$105,000) (EUD / PW)
- Res. E-14 Adopt resolution authorizing the City Manager to approve Contract Change Order with MV Public Transportation, Inc., to complete Short-Range Transit Plan for City of Lodi (\$10,270) (PW)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Public Hearings – None**

**H. Communications**

- H-1 Claims filed against the City of Lodi – None
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments – None
- H-4 Miscellaneous – None

**I. Regular Calendar**

- I-1 Recommendations from the City Manager and the City Manager's Budget Advisory Committee regarding the 2004-05 Financial Plan and Budget (CM)
- I-2 Discussion and appropriate action regarding: 1) Electric Utility \$350,000 annual transfer to the General Fund Capital; 2) repayment of past annual \$350,000 transfers from the Electric Utility to the General Fund Capital; and 3) \$73,000 remaining balance of the Old Lodi Union High School Site Foundation's 1991 Loan (CM)

- Ord. I-3 Adopt urgency ordinance repealing and reenacting Lodi Municipal Code §13.04.130 and  
(Adopt urgency ord.) establishing low-income discounts for water, sewer, and refuse services and adopt resolution  
Res. establishing discounts (PW)
- I-4 Consideration of various matters pertaining to the November 2, 2004, General Municipal  
Election (CLK):
- Res. a) Resolution calling and giving notice of the holding of a General Municipal Election
- Res. b) Resolution approving entering into a contract with the County of San Joaquin for the County  
Registrar of Voters to provide certain services
- Res. c) Resolution regarding impartial analyses, arguments, and rebuttal arguments for any  
measure(s) that may qualify to be placed on the ballot
- Res. d) Resolution adopting regulations pertaining to the candidates' statements
- I-5 Discussion and possible action regarding option to refer the proposed Large-Scale Retail Initiative  
measure to any city agency or agencies for a report on its effect on municipal operations  
(pursuant to California Elections Code Section 9212) (CLK)
- Ord. I-6 Introduce ordinance amending Lodi Municipal Code Chapter 12.12 – Parks – by adding Article  
(Introduce) IV, "Skate Parks," relating to skate park regulations (PR)
- I-7 Discussion and possible action regarding a proposed City of Lodi Code of Ethics and Values (CM)

**J. Ordinances**

- Ord. J-1 Ordinance No. 1747 entitled, "An Ordinance of the City Council of the City of Lodi Amending  
(Adopt) Lodi Municipal Code Title 13 – Public Services – by Repealing and Reenacting Chapter 13.14,  
'Stormwater Management and Discharge Control,' Relating to Stormwater"

**K. Comments by the City Council Members on non-agenda items**

**L. Comments by the City Manager on non-agenda items**

**M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Susan J. Blackston  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Presentation Regarding Lodi Area All Veterans' Foundation Events

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Janet L. Hamilton, Management Analyst

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**RECOMMENDED ACTION:** None.

**BACKGROUND INFORMATION:** Captain Robert Bechill will be presenting a short speech on planned Lodi Area All Veterans' Plaza event including An Evening on the Plaza, Veterans' Day preparations, and the return of Oktoberfest.

**FUNDING:** None required.

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Janet Hamilton  
Management Analyst

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Register of Claims Dated May 4, 2004 in the Amount of \$2,193,806.22

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Finance Technician

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**RECOMMENDED ACTION:** That the City Council receive the attached Register of Claims. The disclosure of the PCE/TCE expenditures are shown as a separate item on the Register of Claims.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$2,193,806.22 dated May 4, 2004, which includes PCE/TCE payments of \$186,240.16

**FUNDING:** As per attached report.

\_\_\_\_\_  
Ruby Paiste, Acting Finance Director

RP/kb

Attachments

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Accounts Payable  
Council Report

Page 1  
Date - 05/04/04  
Amount

As of Thursday	Fund	Name	Amount
04/22/04	00100	General Fund	647,251.04
	00160	Electric Utility Fund	89,364.46
	00161	Utility Outlay Reserve Fund	134,585.11
	00164	Public Benefits Fund	10,089.85
	00170	Waste Water Utility Fund	19,559.90
	00172	Waste Water Capital Reserve	6,213.58
	00180	Water Utility Fund	3,263.38
	00181	Water Utility-Capital Outlay	9,393.02
	00210	Library Fund	11,925.86
	00270	Employee Benefits	298,884.73
	00310	Worker's Comp Insurance	41,239.64
	00327	IMF(Local) Streets Facilities	10,148.00
	01211	Capital Outlay/General Fund	14,336.05
	01212	Parks & Rec Capital	3,850.00
	01250	Dial-a-Ride/Transportation	142,154.16
	01410	Expendable Trust	1,348.90
Sum			1,443,607.68
	00183	Water PCE-TCE	92,146.67
Sum			92,146.67
Total for Week			
Sum			1,535,754.35

Accounts Payable  
Council Report

Page 1  
Date - 05/04/04  
Amount

As of Thursday	Fund	Name	Amount
04/29/04	00100	General Fund	405,978.31
	00103	Repair & Demolition Fund	143.00
	00123	Info Systems Replacement Fund	164.81
	00160	Electric Utility Fund	13,994.46
	00161	Utility Outlay Reserve Fund	2,166.76
	00164	Public Benefits Fund	2,689.70
	00170	Waste Water Utility Fund	5,537.97
	00171	Waste Wtr Util-Capital Outlay	273.00
	00180	Water Utility Fund	1,009.15
	00210	Library Fund	4,105.29
	00211	Library Capital Account	193.95
	00234	Local Law Enforce Block Grant	329.72
	00235	LPD-Public Safety Prog AB 1913	61.12
	00270	Employee Benefits	12,927.81
	00300	General Liabilities	4,972.25
	00310	Worker's Comp Insurance	19,462.91
	00325	Measure K Funds	60,432.48
	00326	IMF Storm Facilities	10,350.00
	00327	IMF(Local) Streets Facilities	2,518.02
	01212	Parks & Rec Capital	2,398.00
	01250	Dial-a-Ride/Transportation	9,443.46
	01410	Expendable Trust	4,806.21
Sum			563,958.38
	00183	Water PCE-TCE	94,093.49
Sum			94,093.49
Total for Week			
Sum			658,051.87

## Council Report for Payroll

Page -

1

Date -

05/04/04

Payroll	Pay Per Date	Co	Name	Gross Pay
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-				
Regular	04/25/04	00100	General Fund	802,036.13
		00160	Electric Utility Fund	154,144.49
		00161	Utility Outlay Reserve Fund	2,483.52
		00164	Public Benefits Fund	4,878.40
		00170	Waste Water Utility Fund	60,839.75
		00180	Water Utility Fund	8,658.31
		00210	Library Fund	31,940.49
		00235	LPD-Public Safety Prog AB 1913	1,086.89
		01250	Dial-a-Ride/Transportation	2,902.43
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Pay Period Total:				
Sum				1,068,970.41
Retiree	05/31/04	00100	General Fund	29,934.38
		00210	Library Fund	490.38
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Pay Period Total:				
Sum				30,424.76
1,052,074.39				



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Minutes

- a) April 20, 2004 (Shirtsleeve Session)
- b) April 20, 2004 (Special Meeting)
- c) April 26, 2004 (Special Meeting)
- d) April 27, 2004 (Shirtsleeve Session)
- e) May 3, 2004 (Special Meeting)
- f) May 4, 2004 (Shirtsleeve Session)
- g) May 7, 2004 (Special Meeting)
- h) May 8, 2004 (Special Meeting)
- i) May 13, 2004 (Special Meeting)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council approve the following minutes as prepared:

- a) April 20, 2004 (Shirtsleeve Session)
- b) April 20, 2004 (Special Meeting)
- c) April 26, 2004 (Special Meeting)
- d) April 27, 2004 (Shirtsleeve Session)
- e) May 3, 2004 (Special Meeting)
- f) May 4, 2004 (Shirtsleeve Session)
- g) May 7, 2004 (Special Meeting)
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- i) May 13, 2004 (Special Meeting)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes, marked Exhibits A through I.

**FUNDING:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP

Attachments

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, APRIL 20, 2004**

The April 20, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, APRIL 20, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of April 20, 2004, was called to order by Mayor Hansen at 7:00 a.m.

Present: Council Members – Beckman, Howard, Land, and Mayor Hansen

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. REGULAR CALENDAR**

B-1 "Discussion and appropriate action regarding governance of San Joaquin Council of Governments"

City Manager Flynn reported that he was notified last week that the San Joaquin Council of Governments (SJCOG) Board would soon be making a critical decision, which was important for Council to consider. He explained that currently for the SJCOG Board to take action, it requires a majority of the cities with the majority of the residents to support it. As an example, if the County and the City of Stockton, with two votes each, supported a motion, they would have the majority of residents, but not the majority of cities. Stockton has proposed that the voting requirement be changed strictly according to population. The City Manager of Stockton justified the request by pointing out that Stockton contributes 47% of the sales tax revenue for Measure K; however, it only gets 30% of the money. Mr. Flynn distributed and reviewed a report listing sales tax, population, and employment figures for Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, Tracy, and the County (filed).

Council Member Howard commented that concern has been expressed that the request by Stockton to increase the number of votes to represent its city makes it unfair for the remainder of the cities in the county. If changed as requested, Stockton would receive 5 votes, Tracy 1, Lodi 1, Manteca 1, Lathrop .04, Ripon .04, Escalon .02, and the County 2. This would mean that Stockton could effectively have success with supporting or denying any motion by getting the support of either Tracy, Lodi, Manteca, or the County, i.e. just one other city with a population of over 50,000. Conversely if Stockton was opposed to an issue, it would take the support of every other agency on the Board to overrule its opposition. Stockton has intimated that if its request is not agreed to, it would not support the Measure K renewal effort.

Mayor Hansen believed that the system has worked well as is and serves the entire county. He was opposed to the request by the City of Stockton.

Mayor Pro Tempore Beckman pointed out that Stockton and Lodi are the only cities on the SJCOG who have any interest in money being spent in the northern half of the county. For this reason, there would be an advantage to Lodi if Stockton's request was approved.

Discussion ensued about various methods/systems of voting on the SJCOG Board, possible reasons why Stockton is making the request, and what it might mean for the future.

Public Works Director Prima stated that, fundamentally, it is about Measure K money and the question of whether it belongs to the entire county and all of its residents as represented by the SJCOG Board, or to each individual agency.

Council Member Land preferred that the SJCOG Board voting method remain unchanged.

City Manager Flynn reported that there is also a proposed new distribution for allocation of the Measure K program.

Mayor Pro Tempore Beckman disclosed that his employer, the Building Industry Association of the Delta, has taken a position to *not* support moving forward with the Measure K renewal in the 2004 election, but would support it in 2006. He asked Interim City Attorney Schwabauer if this presents a conflict of interest, to which Mr. Schwabauer advised him that it did.

NOTE: At 7:35 a.m., Mayor Pro Tempore Beckman abstained from further discussion on the matter, due to a conflict of interest, and left the meeting.

Council Member Land noted that the staff report provided by the City of Stockton did not present an argument for its request.

MOTION/ VOTE:

Council Member Land made a motion, Howard second, that Lodi does *not* support Stockton's request to change the method of voting by the SJCOG Board. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Hitchcock

Abstain: Council Members – Beckman

Mayor Hansen stated that he would not be opposed to the Measure K renewal being placed on the November 2004 ballot if the SJCOG Board is in support of it.

Discussion ensued regarding other possible measures that might be on the 2004 ballot, following which City Manager Flynn stated that he would be recommending to Council that Lodi bring forward a measure for a half cent sales tax increase.

With the aid of an overhead chart (filed), Public Works Director Prima reviewed proposals for percentage distribution by program categories. He noted that the local street repair money is allocated to the agencies based on a formula. Currently it is split half to the county and the remaining half that goes to the cities is based on population, with a minimum of \$100,000. He understood that roadway safety would be allocated on the same basis as the local street repair. Congestion relief is allocated on a project by project basis.

Mr. Flynn reported that the city managers recommended that SJCOG staff combine roadway safety and local street repair into one category entitled, "Local Street Repair and Roadway Safety."

Council Member Howard noted that for Lodi the areas of most importance are congestion relief and local street repair, and she would voice support for keeping those percentages strong. In reference to the issue of regional transportation impact fees, she mentioned that many members on the SJCOG Board feel it is important that they be adopted this year in time for the November ballot. Each city has been asked to create its own fee by July and have it adopted by the SJCOG Board. Cities have been cautioned that if they do not have a fee in place, they will not be eligible for the renewal component of Measure K dollars.

Council Member Land commented that County Supervisor Sieglock had stated that he would not support Measure K without a regional transportation impact fee.

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:24 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
MONDAY, APRIL 26, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of April 26, 2004, was called to order by Mayor Hansen at 6:05 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, and Mayor Hansen

Absent: Council Members – Land

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. REGULAR CALENDAR**

- B-1 “Report on receivables/payables (Comprehensive Annual Financial Report– June 30, 2003) and provide direction for possible future action by Council related to corrections/changes/reversals”

City Manager Flynn noted that Council Member Land was unable to attend tonight’s meeting and had asked that any changes be brought back to Council at a regular meeting so that he could participate in the vote. Mr. Flynn introduced Deputy City Manager Keeter who would be reviewing the staff report and supporting documents (all filed) related to the receivables/payables in the amount of \$9,102,363, as reported on page 40 of the Comprehensive Annual Financial Report.

Redevelopment Agency Loan:

Deputy City Manager Keeter reviewed supporting documents pages 1 through 8 related to a loan from the General Fund to the Redevelopment Agency in the amount of \$200,000, plus \$22,050 from the Contingency Fund. An interest rate will be charged to the Redevelopment Agency of 5.460% annually. The entire amount will be repaid to the General Fund from Agency revenues once they are established.

In reply to Council Member Howard, Ms. Keeter acknowledged that there is no redevelopment project area or tax increment at this time.

In response to Mayor Hansen, Mr. Flynn noted that the State has recently been taking away redevelopment agency money, so this is not an opportune time to bring forward the project area issue again.

Interim City Attorney Schwabauer clarified that the referendum did not abolish the Redevelopment Agency; it ended the project area.

In answer to Council Member Hitchcock, Accounting Manager Ruby Paiste reported that \$359,000 had been spent as of June 30 and she would provide Council with a breakdown of what was included in the amount. Community Development Director Bartlam explained that it included a portion of his salary, City Attorney’s Office services, and consultant’s fees during the time the project area was being established. In addition, it includes interest on the \$222,050 loan.

Mayor Pro Tempore Beckman asked if all the expenses would need to be incurred again if the Redevelopment project area was re-created, to which Mr. Bartlam answered in the affirmative.

Foundation Loan for Design of Auditorium:

Ms. Keeter reviewed supporting documents pages 9 through 15 related to the 1991 loan to the Old Lodi Union High School Site Foundation in the amount of \$170,000 for design of the Hutchins Street Square Auditorium/Performing Arts Theater. The Foundation has repaid \$97,000 of the loan. The Foundation has also “committed” to repay the City \$10.3 million

for completion of the Hutchins Street Square project. To date the City has received over \$1 million in cash from the Foundation, which has been matched by the City in the amount of \$912,500. The total credit to the Foundation for the loan is \$2,012,500. Charlene Lange, former Community Center Director, has recommended that the remaining balance of the 1991 loan (\$73,000) be waived by Council; or that the City's match to the Foundation be used to waive the loan.

Mayor Pro Tempore Beckman questioned whether the money was taken out of the Water and Wastewater capital funds and recorded as a loan with interest and a repayment date.

Ms. Keeter acknowledged that the money was taken out of capital projects and was recorded as a loan; however, it has no interest rate or term of repayment.

City Manager Flynn reported that \$79,000 has been repaid to the enterprise funds. The last payment the Foundation made on the 1991 loan was in 1995. He explained that subsequent to that time the Foundation began making payments toward its commitment to repay the \$10.3 million for construction of Hutchins Street Square. These payments are deposited into the General Fund. He suggested that the Foundation's most recent payment of \$75,000 be transferred out of the General Fund to the Water and Wastewater Funds to pay off the 1991 loan balance of \$73,000.

Mayor Pro Tempore Beckman believed that a loan from an enterprise fund is required to have interest applied to it. He asked that a reasonable interest rate be applied to the 1991 loan and calculated to date to arrive at a total balance due.

Council Member Hitchcock agreed with Mr. Beckman's recommendation.

Mayor Hansen pointed out that the Foundation was not responsible for the decision to take money out of an enterprise fund. He felt that the \$73,000 should be waived.

Council Member Howard was opposed to waiving the loan balance and stated that the money should be repaid and returned to the funds from where they were withdrawn.

Council agreed that it would be appropriate to repay the loan using previous cash payment(s) from the Foundation, as Mr. Flynn had suggested.

In reply to Mayor Pro Tempore Beckman, Mr. Flynn stated that a calculation of the 1991 loan with interest will be made and the information brought back to Council.

#### Fire Station #4:

Ms. Keeter reviewed supporting documents pages 16 through 24 related to the \$1.8 million construction of the new fire station. Council authorized the use of water and fire impact fees for the project. As there were not sufficient funds in fire impact fees, funds were transferred from the water impact fees in the amount of \$1,396,000.

In reply to Mayor Pro Tempore Beckman, Interim City Attorney Schwabauer referenced California Government Code Section 66013, which addresses the requirement for interest and a repayment date when borrowing from an impact fee program. Impact fees have to be spent on that which they were generated to pay for. He noted, however, that he did not believe the restrictions applied to this situation where the transaction is between two impact fee funds.

Public Works Director Prima recalled that from the date the impact fees were adopted, it was known that there would not be sufficient funds in fire impact fees to build Fire Station #4 and that interfund borrowing would be necessary. In addition, project costs were underestimated. Subsequently, an update of the impact fees was done and fire impact fees were increased substantially.

In answer to Council Member Hitchcock, Mr. Prima reported that \$247,000 has been paid back to the water impact fee fund. He mentioned that staff is updating the impact fee annual report, which includes a detailed history. He anticipated bringing the report to Council in a month.

Council Member Hitchcock expressed concern that there is not adequate coverage on the east side and another fire station is needed. She stated that it appears a huge adjustment is needed because impact fees are so far behind.

In response to Mayor Hansen, Community Development Director Bartlam reported that he would be making a request in the 2005-07 budget to initiate the general plan update. He anticipated the one and a half year process to begin in the later part of 2005.

Mayor Pro Tempore Beckman referenced page 2 of the "blue sheet" (filed) regarding cash balances/fund balances of June 30, 2003, which showed \$898,000 in impact fees for police facilities. Mr. Prima reported that as police impact fees are received, they will be transferred back to the General Fund.

Council Member Hitchcock asked why it does not show as an interfund receivable/payable if police facilities borrowed money from the General Fund. Mr. Prima explained that the project was not completed as of June 30, 2003. Police impact fees are kept in a separate account within the General Fund capital outlay. The impact fee program owes the General Fund \$3.5 million.

Lower Sacramento Road Widening Project:

Ms. Keeter reviewed supporting documents pages 25 through 31 related to the \$7,030,000 construction project to widen Lower Sacramento Road, which included \$796,770 in impact fees. The project was programmed in the Regional Streets Impact Fund; however, funds were loaned from the Parks and Recreation impact fees.

Cash Transfer for CDBG Projects:

Ms. Keeter reviewed supporting documents pages 32 through 37 related to a cash transfer from the Street Fund to the General Fund for Community Development Block Grant (CDBG) projects in the amount of \$582,331. She explained that the City fronts the money for CDBG projects and submits a claim to the County for reimbursement. The Finance Department shows an entry at the end of the fiscal year to allocate the cash to the CDBG projects to "close the books," and reverses the entry on July 1.

Mr. Flynn explained that all Federal, State, and County grant money works similarly, i.e. the City incurs the cost initially and then seeks reimbursement.

Community Development Director Bartlam noted that all CDBG projects are pre-qualified, so it is determined in advanced that they are eligible.

Cash Transfer from Streets Fund:

Ms. Keeter reported that on June 30, 2003, a cash transfer was made from the Streets Fund to the General Fund in the amount of \$1.3 million in anticipation of property and sales tax coming in. The City "booked" \$851,996 in property tax receivable and \$2,125,895.04 in sales tax receivable.

Mr. Flynn explained that property tax in California comes in March and November. Money can be borrowed against property tax (a tax revenue anticipation note) to have cash and incur costs throughout the year. As property tax comes in, the note is paid back. The City did this twice approximately six years ago. Cities are allowed to arbitrage the money if an amount of \$5 million or less is borrowed. It can be invested at a higher interest rate, with the money gained placed back into the fund. Mr. Flynn stated that Lodi made \$50,000 one year and \$75,000 the next. He noted that on June 30, 2003, the City had \$38.8 million in cash. The cash is distributed to where there are deficits on June 30, and on July 1 these entries are reversed.

Investment Transfer/Loan from Electric Utility:

Ms. Keeter reviewed supporting documents pages 39 through 41 related to an "investment" transfer of \$350,000 from the Electric Utility Fund to the General Fund Capital Outlay Fund. The balance of the "loan" reported on June 30, 2003, was \$2,050,000. She recalled that a Certificate of Participation in the amount of \$10 million was issued to construct the Performing Arts Theater at Hutchins Street Square, at which time the City had to demonstrate in the financial plan that it had the revenues to support the debt service. On July 17, 1996, Council adopted Resolution 96-95 authorizing the investment transfer of \$350,000 from the Electric Utility Fund to the General Capital Outlay Fund. The resolution stipulated that the investment transfer would be brought forward annually for Council approval.

Though subject to interpretation as to whether it was an "investment transfer" or a "loan," Mr. Flynn reported that it has been treated as a loan. He reviewed four options outlined in the staff report (filed). He recommended that the transfer be discontinued if it is going to be considered a loan.

Mayor Pro Tempore Beckman asked whether Council could adopt a policy to make loans between an Enterprise Fund and the General Fund at zero interest with no repayment date, to which Mr. Flynn replied in the affirmative.

Council Member Hitchcock pointed out that the resolution stated that it was to occur for five years, yet it has gone on longer than that. Additionally, she questioned why it has not been brought before the Council annually for approval.

Mr. Flynn replied that every time Council has adopted a budget it has shown the \$350,000 transfer.

Council Member Hitchcock countered that a line item in the budget was not meeting the intent of the resolution, which stipulated it would be brought to Council annually for approval.

Ms. Keeter added that the transfer was also noted in the ten-year financial plan that Council reviews periodically, which can be considered as additional disclosure.

Council Member Howard pointed out that the wording in the original staff report, motion, and resolution, consistently referred to an "investment transfer." The only statement saying that the transfer would be paid back by the Foundation was during general comments in the minutes; it was not included in the resolution and therefore is not binding.

Mayor Pro Tempore Beckman commented that he considered the transfer strictly as a loan and asserted that since 1996 the Electric Utility ratepayers have been subsidizing the general government in the City \$350,000 a year. The ratepayers are now owed over \$2 million. He preferred that a plan be brought forward to repay this money and suggested that an electric rate decrease may be in order.

Council Member Hitchcock agreed with Mr. Beckman and recommended that it be paid back at \$350,000 a year.

In reply to Mayor Hansen, Mr. Flynn stated that when the City of Lodi was formed, the enterprise funds were seen as an asset owned by the City in which there was a return. In 1927 City Hall was built solely with money that came from Water and Electric Funds. The fact that the City segregates these funds today is an accounting issue.

Mayor Pro Tempore Beckman recommended that \$350,000 a year for the next seven years be paid back to the Electric Utility Enterprise Fund. He asked that the Electric Utility Director calculate a seven-year residential ratepayer reduction commensurate to \$350,000 a year.

Electric Utility Director Vallow stated that he did not characterize the transfer as a loan. He noted that the money helped to support Parks and Recreation programs. He suggested that no change be made at this time due to overall City budget uncertainties and State impacts.

Council Member Howard suggested that the figure of \$300,000 (as was transferred in the 2002-03 budget cycle) be considered along with \$350,000 to determine what works best and is feasible to take out of the General Fund Capital account. She preferred keeping the flexibility of deciding whether it comes from the Foundation or other funds that are available.

Mayor Hansen pointed out that Lodi does not have a utilities user tax as many other cities do. Funds have been used for various capital projects as a benefit of having the Electric Utility enterprise. He believed that the consequences of discontinuing the annual transfers would be that very little could be done for Parks and Recreation capital projects. He asked Mr. Vallow what \$350,000 a year in rate reductions would equate to.

Mr. Vallow estimated that it would amount to a savings of \$14 a year to residential ratepayers. He mentioned that the market cost adjustment and tiered system further complicates matters when trying to determine an equitable rate reduction of \$350,000 a year.

Council Member Hitchcock pointed out that the 12% Electric Utility in-lieu of tax transfer amounts to over \$8 million a year. She believed it to be an exaggeration to suggest that discontinuing the additional \$350,000 a year transfer would significantly impact Parks and Recreation's capital projects.

In answer to Mayor Pro Tempore Beckman, Mr. Flynn cautioned that Council can lower the percentage of the in-lieu of tax transfer; however, if in the future it wished to raise the amount, it would require voter approval.

Transfer to Transit Fund:

City Manager Flynn reported that the transfer to the Transit Fund of \$2,668,962 from the Wastewater and Water Funds has three issues: 1) the City has a receivable of \$837,249 for Federal funds, 2) impact fee funds for street projects should be used to reimburse the Transit Fund in the amount of \$442,518.71; and 3) charges of \$1,389,194.30 to Transportation Development Act (TDA) accounts for street projects should be charged to other street funds and not the Transit Fund. In relation to the first issue, Mr. Flynn explained that the 2000 Census Bureau put Lodi and Galt together in one census district. An agreement has to be reached with Galt on how to distribute Federal funds for streets. Prior to Galt being placed in Lodi's census area, it only received \$40,000 a year in Federal money for its street work. Now Galt contends that because it makes up 25% of the total population it should get 25% of the \$837,000, which would be a significant increase for Galt and reduction to Lodi. Lodi has incurred costs on street projects that should be reimbursed to the Transit Fund. Mr. Flynn read from supporting documents page 45, Transportation Development Act, *"Outside the apportionment restriction areas, Article 8 allocations may not be made for streets and roads projects until the transportation planning agency determine that there are no unmet transit needs that are reasonable to meet within the jurisdiction of the claimant."* In summary, Mr. Flynn acknowledged that the Transit Fund should not have a deficit. TDA accounts were charged for projects that should have been charged to the Street Fund, Federal Transit, Measure K, General Fund, etc.

With the aid of an overhead presentation (filed), Public Works Director Prima reported that there have been significant capital projects and an increase in operational costs. Rental income from bus fares, the Greyhound lease, and rent from the parking structure is considered discretionary funding, which is used as part of the Department's matching funds. Grants from the San Joaquin Council of Governments (SJCOG) and congestion

mitigation program goes into the 1250 Transit Fund. Federal Transit Administration (FTA) funding comes from two sources: 1) the 5307 apportionment is money the City gets because it is an urbanized area with a population over 50,000; and 2) the 5309 grant program comes through on special "earmarks," as did the \$850,000 toward the parking structure. Public Works has also obtained CDBG money for a few projects, which goes into the Transit Fund. The FTA State Transit Assistance money also goes into the Transit Fund. The Local Transportation Fund is allocated through the SJCOG process, through which Public Works develops a list of projects and makes claims on the money. TDA has a category for bicycle and pedestrian projects. In years past, the City used TDA money for street maintenance and later the budget process was changed to earmark it more toward transportation and transit.

Mr. Prima explained that, up until recently, Public Works would estimate what was needed for transit and street projects and make a claim to the TDA. The money was put into the 329 Street Fund and 1250 Transit Fund accordingly. He noted that with many of the Federal programs the City must spend the money first and then request a reimbursement. For this reason, seeing a deficit in the Transit Fund was not an unusual occurrence. Staff did not keep a close enough linkage between the accounts to make sure that the Transit deficit was going to get covered, and consequently have wound up over time with a real deficit that should not be there. Staff is now better managing the situation; however, there are still problems with the past four years, which amounts to an existing deficit of \$1,605,916.

Mayor Pro Tempore Beckman suggested that a formal letter with a Council resolution be sent to those responsible for the census district map, asking that it be corrected.

Council Member Hitchcock asked City Manager Flynn how the City has been absorbing the deficit each year and what his plan was for notifying the Council about it.

Mr. Flynn replied that an annual financial report is presented each year to Council. He reiterated that the City has \$38,800,000 in cash. He again explained that to see a negative figure in the account is not unusual, i.e. between the time the City has incurred costs and is waiting to be reimbursed.

Council Member Hitchcock asked Mr. Flynn if he had been comfortable with the situation, to which he replied in the affirmative.

Mr. Prima stated that street projects that were funded out of the 329 TDA Streets Account can be repaid out of streets impact fees in the amount of \$445,826. In addition, \$272,852 from the Lodi Lake bicycle/pedestrian project can be repaid to the Transit Account. This will leave a remaining deficit of \$887,238. He reviewed three options for eliminating the remainder of the deficit:

1. Obtain a Measure K advance for future street projects eligible for streets impact fees, use the fees to reimburse Streets/TDA, and transfer it to the Transit Account;
2. Delay other Measure K Local Street Repair funded projects, use Measure K funds to reimburse Streets/TDA, and transfer it to the Transit Account;
3. Make a transfer from General Fund Capital.

Council Member Hitchcock asked for the list of projects that are in the parks impact fee program.

Council Member Howard suggested that Public Works apply for a Measure K advance (option 1) on the Kettleman Lane, Lower Sacramento Road, and Century Boulevard projects.

Mayor Pro Tempore Beckman agreed that option 1 was preferable and recommended that Public Works apply for a Measure K advance on all of the suggested projects with the exception of the vehicle maintenance shop expansion. In addition, he supported delaying the Pine Street overlay, as recommended in option 2.

Council Member Hitchcock believed that postponing street overlays can be "penny wise, but pound foolish." She emphasized the importance of maintaining infrastructure that is in place.

Mr. Flynn stated that at a future meeting staff would return to Council with recommendations on this matter. He reiterated that the Transit Fund should not have a deficit.

Mr. Prima stated that it appears Public Works would not be able to sustain the level of capital projects that it has in the past and is already concerned about operating expenses.

PUBLIC COMMENTS:

- Eunice Friederich commented that she does not see the bus shelters in use and has noticed that there are very few passengers on the City buses. She asked why such large buses are needed to transport two people. She suggested that savings in this area could help to pay off the deficit.
- Arthur Price expressed concern that funds from infrastructure on sewers, water, and the proposed rate increases not be used for some other purpose than for what they were designated. Mr. Price read a portion of a response letter that he received from the Howard Jarvis Taxpayers Association, *"I have concluded, unfortunately, there is not an obvious violation of the law for us to challenge. Proposition 218, which established the rules for utility rates and other users' fees, does not require voter approval for water, sewer, or garbage disposal fee increases. It simply requires that fees and fee increases be limited to no more than the actual amount needed to provide the utility service and be proceeded by detail to affected property owners and a public hearing, at which time owners can present a majority protest if there is sufficient organized opposition to the increase."* Mr. Price believed that Lodi is treading very close to the edge of violating this law of using funds from one source, which requires a vote of the people, on other source that does not require a vote.

Council Member Hitchcock asked City Manager Flynn if the City has cash flow problems, noting that the actual fund balance is \$68 million, but the cash balance is \$38 million.

Mr. Flynn indicated that it is due to the Governmental Accounting Standards Board Statement 34 new reporting standard. The City now has to include assets in its enterprise funds as part of the fund balance.

Council Member Hitchcock recalled that she had previously requested that Council begin receiving cash flow statements, to which Mr. Flynn replied that staff will start sending them out.

MOTION / VOTE:

There was no action taken on the matter.

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:05 p.m.

ATTEST:  
Susan J. Blackston  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, APRIL 27, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, April 27, 2004, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Beckman, Hitchcock, Howard, and Mayor Hansen

Absent: Council Members – Land

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. CITY COUNCIL CALENDAR UPDATE**

City Clerk Blackston reviewed the weekly calendar (filed).

**C. TOPIC(S)**

C-1 "Transit Overview"

With the aid of overheads (filed), Tiffani Fink, Transportation Manager, reported that Grapeline and Dial-A-Ride now exceeds 520,000 rides a year. Costs have increased even though ridership numbers have flattened. This is due in part to costs added in 2002-03 for security and electricity in the parking structure, insurance increases, multi-model operations, and the cost of operating the capital that has been added. Insurance is under Dial-A-Ride and fixed route. Transit administration includes the Transportation Manager's salary and benefits, salary for an intern, operations and security for the parking structure, and advertising. There were three bills submitted after the close of 2002-03, which may have skewed the annual cost figures. There are a total of 25 vehicles in the fleet, including five 40-foot buses and a trolley.

Mayor Hansen suggested that the expenses be separated so that a true cost of service for Dial-A-Ride and the fixed-route system can be ascertained.

Public Works Director Prima noted that the Dial-A-Ride operations contract has increased in cost, which can partly be attributed to the pay and medical benefits increase that was given to the employees of Laidlaw (the former contractor) at the City's encouragement. In 1997-98 there were 65,000 riders on Dial-A-Ride, which as since increased to 90,000. He explained that when the Federal Transit Administration has a multi-year transportation bill, it allows cities to spend money from what they will receive in future years. Public Works took advantage of this when it built the parking structure and purchased some buses.

Ms. Fink recalled that Lodi switched providers from Laidlaw to MV Transportation in fiscal year 2002-03, and noted that the transition went very well. The MV Transportation contract includes insurance contributions, contractor responsibility for deductibles on accidents, and increased corporate support. MV Transportation pays 50% of the transit premium for insurance and any deductible on an accident.

Ms. Fink reported that there has been a dramatic increase in the number of riders who rely on wheelchairs, which increases the loading times significantly. The average wait time for demand response is 25 minutes. The City's contract states that demand response, including reservations, will be picked up within 45 minutes. The on-time performance is 97%. There are 1,600 riders per year that wait between 45 to 60 minutes, 796 riders wait 60 to 90 minutes, and 27 riders have wait times beyond 90 minutes. Dial-A-Ride is used 80% by seniors and the disabled. Reservation service for Dial-A-Ride ranges from 20% to 30%.

Mayor Hansen noted that adjustments to the express routes have had to be made to accommodate youth getting to and from school, in addition to children using Dial-A-Ride for school transportation. He felt this was a subsidy to the School District and asked Ms. Fink to track it.

In reply to Mayor Pro Tempore Beckman, Ms. Fink reported that Lodi transit is known throughout the state for having the lowest fares. Lodi is far below the 20% fare box recovery goal. The fixed-route fare is 50 cents, the senior/disabled route fare is 25 cents, and transfers are free. The Dial-A-Ride senior/disabled fare is \$1 and the general public fare is \$2 each way. Lower fares put more demand on the Transportation Development Act and Federal Transit Administration for operations, which limits capital for buying new vehicles. For each vehicle on the road, for every revenue hour, there is an average of 18 passengers on fixed route and nearly 3 on Dial-A-Ride.

Mr. Prima reported that in 2002-03 the cost for Dial-A-Ride and fixed route (excluding administration) was just over \$1 million each.

In answer to Council Member Howard, Liz Diaz, MV Transportation Project Manager, stated that the youngest child using the Dial-A-Ride service just turned six years of age. The largest percentage of school age children using the service go to junior high school. Children using Dial-A-Ride for school transportation equate to 2% of the total ridership.

Mr. Prima stated that express routes in the morning and afternoon, which mainly serve school children, are funded by Measure K. He reported that very few agencies, if any, use general fund money to subsidize transit.

Mayor Pro Tempore Beckman asked for Lodi private taxicab rates, to which Ms. Fink stated she would report back to Council.

In reply to Council Member Howard, Ms. Diaz reported that road calls (breakdowns) are under five per month. Dial-A-Ride is busiest between the hours of 1:30 to 4:00 p.m. and fixed route has the most passengers during 7:00 to 8:00 a.m. and 2:00 to 3:00 p.m. Mr. Prima noted that the City's vehicle maintenance shop currently has two vacancies and he has been receiving complaints from staff that maintenance intervals are getting longer.

Ms. Fink explained that for every hour that fixed-route service is operated, complementary para-transit (Dial-A-Ride) must be offered. On Dial-A-Ride the maximum that can be charged for a senior/disabled fare is twice the general public fixed-route fare. One way to limit general public ridership on Dial-A-Ride without restricting who rides is to significantly change the general public fare making fixed route more viable. In addition, route headways (time between buses) could be increased from 45 to 60 minute intervals, and routes at night and on weekends could be reduced. Dial-A-Ride service could be restricted to Americans with Disabilities Act (ADA) service only during peak hours. This would require a formal certification process and review of the operation. There is an appeal process if service is denied. Ms. Fink warned that it can be costly to introduce and maintain ADA service, there are complex requirements, and it may limit service to many people. Revenue adjustments could include fare increases, advertising on vehicles, benches, and shelters, and additional passes and subscription rates. Charging new development an additional one-time impact fee to help pay for capital expansion of the transit system would also be an option.

Council Member Hitchcock expressed concern that the general fund has been subsidizing transit for the past five years. The actual cost of a senior/disabled ride is \$13, with a 25 cent fare recapturing only 2%. The actual fixed-route cost is \$2.40 a ride, with a 50 cent fare recapturing 21%.

Mayor Pro Tempore Beckman was comfortable with subsidizing the fixed routes; however, he preferred to scale back Dial-A-Ride service as it competes with private enterprise. He indicated support for changing to an ADA service.

Mr. Prima stated that staff's recommendation would be to use the pricing mechanism to scale back on the general public category using Dial-A-Ride. Options will be brought to Council at a future meeting, as well as the cost difference between large and small buses, mileage, and maintenance.

Council Member Howard was opposed to an ADA service because of the burdensome restrictions.

PUBLIC COMMENTS:

- Myrna Wetzel was opposed to advertising on the buses, noting that she would be disappointed if the grape logo was no longer present or noticeably visible.

**D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:30 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
MONDAY, MAY 3, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of May 3, 2004, was called to order by Mayor Hansen at 6:00 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: Interim City Attorney Schwabauer

Note: City Manager Flynn and City Clerk Blackston were excused from attending the meeting by Mayor Hansen.

**B. CLOSED SESSION**

At 6:00 p.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

The Closed Session adjourned at 7:45 p.m.

**C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:45 p.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed that no reportable action was taken in closed session.

**D. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 7:45 p.m.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
 INFORMAL INFORMATIONAL MEETING  
 "SHIRTSLEEVE" SESSION  
 CARNEGIE FORUM, 305 WEST PINE STREET  
 TUESDAY, MAY 4, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, May 4, 2004, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and Deputy City Clerk Taylor

**B. CITY COUNCIL CALENDAR UPDATE**

Deputy City Clerk Taylor reviewed the weekly calendar (filed).

**C. TOPIC(S)**

C-1 "Lodi Care Package Program"

City Manager Flynn reported that while current programs are in place, staff is addressing the Council to obtain guidance toward formalizing and standardizing programs to provide financial assistance to customers who are on fixed incomes and/or have hardships which make it difficult for them to pay for City services.

Electric Utility Director Vallow stated that the inevitable cost of providing services and the recent energy crisis have caused a large segment of the population to be impacted by rate increases. Some customers are annoyed by this, and some customers simply cannot afford to pay for services. While Lodi Electric Utility is mandated and obligated to offer assistance to customers that are below existing Federal Income Guidelines (FIG), other utility assistance programs such as water, wastewater, and refuse are not as clearly defined.

Rob Lechner, Customer Services and Programs Manager, reviewed his overhead presentation regarding a proposed program offering combined assistance entitled, "Lodi CARE" (filed). A partnership has been created by the City of Lodi Electric Utility, Public Works, and Finance Departments, along with Central Valley Waste Services and the Lodi Salvation Army. The program would offer assistance to low-income customers, paying their combined electric, water, wastewater, refuse bill (cap at \$125) once within a six-month period, a maximum of two times in 12 months (cap at \$250 per family per year). The \$105,000 budget estimate allows for the program to assist 336 families twice annually, or 672 families if each received one grant annually. Mr. Lechner related that customer/client relief information was formulated at \$125 maximum based on analyzing historical electric usage for the approximately 1,550 current low-income customers and the average amount charged to resident customers for water, wastewater, and refuse services.

The partnership recommends this item be brought before Council for consideration on May 19, 2004, with a program initiation date of June 1, 2004. Mr. Lechner explained that the proposed budget program would be \$105,000, broken down as follows: \$60,000 from Electric Utility (\$16,000 program administration, \$5,000 customer outreach and materials, \$39,000 electric utility relief component); \$30,000 Public Works water and wastewater relief components; and \$15,000 Central Valley Waste refuse relief component. The Lodi Salvation Army, as program administrator/coordinator, would work with the Finance Department to administer program funds.

Mr. Lechner explained that the Salvation Army was brought into the process and is being recommended to coordinate the program based on its experience as a leading organization providing care and services to those in need. The Salvation Army currently administers the PG&E Relief for Energy Assistance Through Community Help (REACH) program through 170 northern and central California offices and also administers the State/County Home Energy Assistance Program (HEAP) program. The proposed \$16,000 administrative fees paid to the Salvation Army would cover eligibility and screening of customers, phone and personal contact with applicants, and coordinating the billing system with the Finance Department. Eligibility screening may include requiring proof of income of all residents, proper identification of all resident occupants (driver's license, social security number), and other criteria mirroring HEAP and REACH program requirements. Following approval, the Salvation Army would report its findings and the amount of actual financial assistance to the Finance Department to initiate the appropriate transfer of funds and to the Electric Utility Department for follow-up. Either Mr. Lechner or Customer Services and Programs Coordinator Kathy Brown would then contact the customer to coordinate a free, in-home energy audit to assist and train residents in the use and conservation of energy and to provide additional information with regard to refuse reduction, recycling, and water/wastewater conservation opportunities.

Council Member Land asked how many programs customers can qualify for and how often they need have to requalify. He also shared his concern for support programs evolving into entitlement programs. Mr. Vallow explained that customers can qualify for the Single Household Alternative Rate for Energy (SHARE) and Senior Fixed Income (SFI) (for customers over age 62), as well as the recommended Lodi California Alternate Rates for Energy (CARE). While little changes with regard to eligibility or income for SFI customers, SHARE customer eligibility is reviewed about every two years. Lodi CARE recipients would be reviewed each time they applied so no maintenance monitoring would be necessary, only comparison monitoring at time of application. Mr. Vallow stated that customers can qualify for all of these programs. Council Member Land stated he would support the free, in-home energy audit and dissemination of information regarding other conservation ideas being mandatory, and confirmed that these visits would meet the criteria for outreach public benefit programs. Additionally, Council Member Land reported that statistics show that 17% of Lodi's population is in poverty level and Lodi is the second highest in San Joaquin County, with Stockton being first. Most families receiving assistance are mothers raising small children age 5 or under, and the majority of the problem is irresponsible fathers. He stated that while he cannot regulate social issues, he can help low-income families and seniors on fixed incomes with limited finances.

Mayor Hansen stated he sees the program as providing assistance should someone on very low income be further burdened by a financial hardship such as an illness or medical problem requiring new medications, making it a decision between paying their utility bill and getting the medication and care they needed. The program would give them the opportunity to apply for assistance in that type of crisis. Mr. Lechner supported Mayor Hansen's comments, interjecting that the Lodi CARE program would not impact customers currently participating in low-income assistance programs, but rather is geared to further assist families and individuals struggling, as well as helping customers cope with financial hardship or emergency situations. He stated he was surprised by Council Member Land's statistics regarding the poverty level in Lodi and its status in the county, and stated he is concerned that Lodi's high cost of rental properties and the lack of low-cost housing are major factors, especially for single parent and single-income households.

At the request of Council Member Howard, Mr. Vallow further explained that Lodi CARE is presented to supplement customers currently involved in low-income assistance programs but still have difficulty keeping up on their bills. Many end up having their utilities turned off, vacating the area, and leaving bills unpaid which must then be written off at year end. The program is not for those who will not pay their utility bill, but for those who cannot, either because of a low-income issue or due to an emergency or crisis situation.

Council Member Hitchcock stated she was in favor of the proposed verification process and supported the Salvation Army administering the program. She asked that specifics be provided outlining the criteria to be used to screen applicants to ensure eligibility and how the program will be monitored. Mr. Vallow shared that it will serve the City additionally to have the Salvation Army administering the program, since it can use the data collected in coordinating other programs to verify, monitor, and cross-check customer information. This pilot program is not an ongoing discounted rate program, but a more immediate, short-term solution to a crisis or emergency financial situation. He further stated that the City will learn much about the diversity and needs of the community through its partnership with the Salvation Army, and detailed that the dollars from the City to support the program will come from Public Works and Electric Utility mandated funding, and that Central Valley Waste will pay its portion of the program directly from its profits. Council Member Hitchcock stated she supports the City's alliance with the Salvation Army for customer support programs rather than giving the entire dollar amount which might be construed as the City making a donation.

Council Member Beckman stated that he is not comfortable with the City coordinating programs, but would consider giving the Salvation Army the \$105,000 estimated customer assistance budget to administer however it sees fit. Mr. Vallow stated that the City's billing system lacks the technical infrastructure to allow for that, and as a pilot program, the City wants a more hands-on approach in working with the Salvation Army to verify the effectiveness of the program, from the initial application to the in-home information and energy audits.

City Manager Flynn commented that prior to referring customers to existing programs, staff attempts to work with customers in a crisis situation to determine if they can delay payment or make payments over time to help them work through the crisis. The program comes into play when this process repeats and becomes a social issue that the City is not qualified to deal with. At that point the Salvation Army would step in with its experience and expertise to handle the situation. He described the program where citizens could donate funds to an account to assist other customers in need, with the Salvation Army regulating it; however, participation was low, perhaps due to poor communication. He stated that Lodi residents currently utilize several programs supported by the county, state, and PG&E, but there is a lack of communication regarding program availability. Mr. Vallow added that getting the word out is vital through literature, churches, civic groups, and networking, and staff believes that a check of the City's internal database will show that approximately 1/3 of those who apply for Lodi CARE will be qualified to participate in the SHARE program, but do not because they are unaware of its existence. This is another way of getting people involved and getting citizens the assistance they need.

Tom Sanchez, representing Central Valley Waste Services, stated it participates in programs such as Lodi CARE throughout the country and he is pleased to be involved in partnership with the City to assist customers and provide information to conserve energy and resources and to reduce refuse.

Serena Woods, representing the Lodi Salvation Army, described the qualification process currently performed in screening potential fund recipients. Customers must complete a prescreening form with all pertinent information, explain their situation and specific need for assistance and their emergency or crisis situation. An internal investigation of the application is completed, a follow-up phone call interview is made, and then a face-to-face interview of approximately 30 to 45 minutes is conducted, at which time the client must provide current proof of income, medical and miscellaneous bills, prescriptions, etc. that support their financial situation and application.

Public Works Director Prima provided copies and a short review of the City's current discount program application forms, as well as a draft recommendation for a Water/Wastewater/Solid Waste Utility Discount Program (filed). Mr. Prima stated he would return to Council on May 19, 2004, to provide an outline of staff recommendations, including

1) one unified set of criteria for program eligibility, 2) updated application forms to assist customers in providing complete and detailed information for program consideration, 3) program monitoring procedures with regard to continued eligibility and computer-generated billing to clearly indicate customer costs and program funding resources, and 4) funding estimates and budget sources. He stated that currently the Supplemental Security Income (SSI) or Supplemental Security Payments (SSP) applicant process is simple in that the customer completes it, SSI reviews and verifies information, and the form is returned to the City to begin customer assistance; however, it is limited in its assistance to the customer. In addition, billing information is currently listed as "other charges" and indicates various discounts, but provides no details regarding programs, funding, and specific discounts and charges to give a true and accurate picture of customer account activity. Additionally, discounts do not apply to the entire bill, and staff recommends that this be revised. Currently, market cost is not included, and the rate increase a few years ago for water wastewater rates has never been included in the discount. Mr. Vallow noted that many customers would under normal circumstances be eligible for assistance, but landlords often charge a flat rental fee including utilities, which negates the renters from applying for assistance.

Mayor Hansen preferred modifications to include offering customer discounts which apply to the total utility bill, not just a portion. He stated that when contacted by a citizen recently, they reported that their utility bill discount total was \$2.15. Mayor Hansen suggested that the percentage of the impact be reflected on the bill and that the statement modified with a breakdown of billing, discounts, and program assistance details.

Council Member Hitchcock stated she liked the SSI/SSP monitoring process for its efficiency and simplicity and would like to see the City's proposed process in detail to include qualifying new customers and auditing existing customers for continued program participation. She further stated that in qualifying for SHARE, which is based on federal income guidelines, she believes the City can help more people with more funds than through the SSI/SSP program, but also reflected that while even with all these opportunities, some customers will still not be eligible for assistance because they cannot provide the proper information for verification.

Council Member Land stated that if it were possible to retain the necessary information, a good way to learn someone's true income would be to review their federal income tax filing, which would show earned income, other income, and dividends. He further stated that in following FIG Financial Advisory Services, the City of Lodi may be entitled to have access to that information for verification of program eligibility.

Maxine Cadwallader, Revenue Manager stated that she is very supportive of the Salvation Army's involvement in administering the program because many citizens are discouraged and overwhelmed by the forms that accompany requests for assistance. She stated the follow-up calls and personal interviews conducted by the Salvation Army as part of the process will greatly assist the public and promote the program success.

**D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:20 a.m.

ATTEST:

Jacqueline L. Taylor  
Deputy City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
FRIDAY, MAY 7, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of May 7, 2004, was called to order by Mayor Hansen at 4:05 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: Interim City Attorney Schwabauer

Note: City Manager Flynn and City Clerk Blackston were excused from attending the meeting by Mayor Hansen.

B. CLOSED SESSION

At 4:05 p.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

The Closed Session adjourned at 6:15 p.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 6:15 p.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed that no reportable action was taken in closed session.

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 6:15 p.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
SATURDAY, MAY 8, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of May 8, 2004, was called to order by Mayor Hansen at 10:05 a.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: Interim City Attorney Schwabauer

Note: City Manager Flynn and City Clerk Blackston were excused from attending the meeting by Mayor Hansen.

**B. CLOSED SESSION**

At 10:05 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

The Closed Session adjourned at 6:20 p.m.

**C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 6:20 p.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed that no reportable action was taken in closed session.

**D. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 6:20 p.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
THURSDAY, MAY 13, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of May 13, 2004, was called to order by Mayor Hansen at 7:03 a.m.

Present: Council Members – Beckman, Hitchcock, and Mayor Hansen

Absent: Council Members – Howard and Land

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

B. CLOSED SESSION

At 7:03 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

The Closed Session adjourned at 8:05 a.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 8:05 a.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed that no reportable action was taken in closed session.

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:06 a.m.

ATTEST:

Susan J. Blackston  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve specifications and authorize advertisement for bids for purchase and installation of Fire Department radio base station emergency alerting systems (FD)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Michael Pretz

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**RECOMMENDED ACTION:** That the City Council approve the specifications and authorize advertisement for bids for the purchase and installation of Fire Department radio base station emergency alerting systems.

**BACKGROUND INFORMATION:** The existing system through which the emergency dispatch center sends alerts to the department's station radios utilizes loud, high-pitched tones which may cause occupational hearing loss.

To help reduce the tone sound levels (and potential for hearing loss) department staff has installed volume controls on the alerting speakers in the stations. However, reducing speaker volume also affects audible clarity.

The department's 2003-2004 Financial Plan and Budget includes funding to replace the existing system.

**FUNDING:** Fire Department 2003-05 Financial Plan and Budget - estimate \$12,000.

\_\_\_\_\_  
Michael Pretz, Fire Chief

\_\_\_\_\_  
Finance Department

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



## FIRE STATION ALERTING



THE MODEL 10  
FIRE STATION  
ALERTING SYSTEM

ABOUT COMTECH

PRESS

FAQ

HOME

PRESS

## CURRENT PRESS RELEASE

Publicity Release

Date: April 22, 2003

To: News/Features Editors

From: Elk Grove Community Services District (CSD) Fire Department

### SMART ALERTING TECHNOLOGY AIDS ELK GROVE FIREFIGHTERS

*Elk Grove, CA* - In a field where the main goal remains "putting the wet stuff on the fire," alerting technology is coming to the aid of fire service responders in surprising new ways. The Elk Grove Community Services District (CSD) has purchased a new Fire Station Alerting system for its fire stations that will help improve the reliability of the alerting system and reduce response times for adjacent homeowners.

The system at Fire Station 71 on Elk Grove Boulevard was installed last August and will serve as a test case for the new system designed and installed by ComTech Communications of Sacramento. ComTech developed the new system after working on Elk Grove's old system, listening to the needs expressed by firefighting personnel. ComTech's creation combined the functions of two older units into one and adds additional enhancement features. Based on the system's tested success in Elk Grove, ComTech hopes to launch their product nationwide in the coming months.

"The system has worked extremely well for us here," said Elk Grove CSD Fire Department Battalion Chief Mike Zehnder. "It offers better notification to the crews and shaves a few seconds here and there which is good since in our business, every second counts."

Fire stations across the country are responsible for managing their own alerting technology. Alerting technology works in conjunction with radio and phone dispatching transmissions relayed from the 9-1-1 emergency center. Alerting technology cues firefighters of an emergency dispatch using special lights and sounds. The new Fire Station Alerting system expands on these standard features to include activating fire station lighting and res

"The automatic shutoff feature has helped us to be a better community neighbor," explained Zehnder. "With the old system, the exterior fire station radio speakers would blare to the street if someone returned to the station to manually reset the system, now it shuts off automatically within a few minutes of the crew's departure."

Additional upgrade features also enable the system to automatically shut down fire station appliances when firefighters are called away during meal times or during peak energy

periods.

Elk Grove CSD Fire Department plans to retrofit four other fire stations with the Fire Station Alerting system within the next year. The Fire Department will also be sharing its experience with the new Fire Station Alerting system with other Fire Department's across the country through a streaming media feature on the ComTech web site at [www.comtechcom.net](http://www.comtechcom.net)

# # #

**Contact: Kristyn Staby**  
Public Information Officer  
Elk Grove CSD Fire Department  
(916) 686-5426 (office)  
(916) 814-2161 (pager)  
[kristynstaby@egcsd.ca.gov](mailto:kristynstaby@egcsd.ca.gov)  
[www.egcsd.ca.gov](http://www.egcsd.ca.gov)

**ComTech Contact: Dave Johnson**  
(916) 568-7800  
[sales@comtechcom.net](mailto:sales@comtechcom.net)

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## FIRE STATION ALERTING



THE MODEL 10  
FIRE STATION  
ALERTING SYSTEM

ABOUT COMTECH

PRESS

FAQ

HOME

### FREQUENTLY ASKED QUESTIONS

**1. Our station doesn't have computer aided dispatch. Can we still use your system?**

Yes, the Model 10 can integrate with any combination of 3 audio sources and CAD.

**2. Can we use some of our existing equipment with your alerting system?**

Yes. Since our equipment was designed with nonproprietary hardware, it is capable of integrating into existing light, speaker and communication systems. In many cases we add low voltage lighting and speakers to enhance an existing system.

**3. Our personnel change dorm room assignments nightly. Can we still do individual room alerting?**

Yes. The Model 10 has been designed with an optional touch screen interface which allows for dorm room assignments with a touch of a button. For stations that change room assignments periodically, the front data panel on the Model 10 can program the room assignments.

**4. Is there a pre alert notification of an incoming call?**

Yes. The system will have an announcement such as, "Station 4, incoming alert" which notifies station personnel to be notified of an incoming alert and also wake them in a manner consistent with a "heart smart" system.

**5. Is your system expandable?**

Yes. The basic Model 10 is capable of whole station alerting. If you wish to have individual dorm room alerting and/or apparatus specific light bars, expansion modules are available. An expansion module has 16 inputs and 12 outputs. A fully enhanced Model 10 is capable of controlling over 500 functions in an alerting sequence. Also if you wish to have your system cover more than one building, this can be accomplished by our Remote Expansion Module. The Remote Expansion Module has the same 16x12 configuration and can be installed up to 10,000 ft from the system hub.

**6. Can I use low voltage lighting with your alerting system?**

Yes. Many fire stations use low voltage lighting for dorm room and hallways. This is independent of the existing 110 lighting system and is used to light the way from the station to the apparatus bay. Our low voltage lights are red in color which help retain the night vision of the system personnel.

**7. We are in a quiet residential neighborhood. How do you handle the volume of the alerting system?**

**alerting sequence?**

We design our fire station alerting and speaker systems with being a good neighbor. Since most station personnel are in the house in the evening, we mute the outside so neighborhood remains quiet. The volume of the speakers in the house also lowers the house itself being quieter at night.

**8. In our city the fire station is considered a community safe house. Have you any provisions for this?**

Since many fire stations are becoming community safe houses, we have integrated the station into the speaker system. Similar to the radio alert, a voice alert will notify personnel that someone is at the door. This notification will go thru the stations' speakers so station personnel can hear it even if they are in a remote area of the station.

**9. Why do you recommend putting apparatus specific light bars in the house?**

In most houses, there are places that can become quite noisy. In these instances, we install apparatus specific light bars to assist station personnel. For example, if there is an alert in the apparatus bay while an alert is coming into the station, station personnel only need to look at a light bar to see if the call is for their particular company. Some examples of places where light bars are the apparatus bay, dorm rooms, weight rooms, tv rooms and outside basketball courts.

**10. What kind of fail safe features have you built into your system?**

There are a few features of the Model 10 that will help to ensure the station will always receive their alert. If for any reason, the main hub should lose power, an audible alert tone will be sent through the speaker system to notify station personnel of the problem. If the main logic controller fails, the alerting process will revert to whole station alerting. The system will lose its "whistles" but the station will not lose the alert.

**11. Are there any recurring monthly expenses?** No. The Model 10 Fire Station Alerting System is a stand alone piece of equipment which does not require any additional monthly expenses.

**12. How does your warranty work?**

The Model 10 Fire Station Alerting System has a one year factory warranty for parts and labor. This warranty is upgradeable to 3 years and service contracts are also available. If the system is found to be in need of service, Comtech will ship a replacement unit to the station. The replacement unit will then be shipped back to Comtech Communications. Preliminary troubleshooting can be done with the data panel on the front of the hub or thru your local service provider.

**13. Can we buy your system one station at a time or do all the stations have to be bought at once?**

Since the Model 10 integrates into your existing communication system it can be purchased on a station by station basis.

**14. We have a multi-building fire station complex. Can your alerting system work in a multi-building complex?**

**multiple buildings?**

Yes. With the use of our Remote Expansion Module, the Model 10 is capable of handling the alerting process which requires going into multiple buildings.

**15. How do we make changes/modifications to your system?** The data panel located in front of the Model 10 can handle most of the modifications that a station will need to make. These changes include timers for lights and speakers as well as dorm room assignments. If you wish to reconfigure your systems' capabilities, it may require a software upgrade. If necessary, we will ship a modem and download the changes directly into the system hub.

**16. Why do you emphasize that you don't use proprietary hardware?**

By not using proprietary hardware, we are able to easily integrate into existing systems and provide the best products available to suit our customers' needs.

**17. Is your alerting system a "one system fits all" solution or is there room for customization?**

The Model 10 Fire Station Alerting System was engineered with the most popular fire station in mind. The versatility of design does allow for system customization. Please contact us to let us know what you have in mind.

**18. In your system can stations be alerted remotely or does the alert have to be from the 911 dispatch center?**

The Model 10 Fire Station Alerting System is capable of handling most types of radio dispatch. This allows a department the option of utilizing a redundant signaling path in cases of radio failure or on site dispatch. With this feature, other departments in the district can be set up to use the same dispatch centers.

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**AGENDA TITLE:** Adopt a resolution approving specifications and authorizing advertisement for bids for Metering Circuit Analyzer and authorizing the City Manager to accept or reject the bids, award the contract, and appropriate funds (\$14,000) (EUD)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution approving specifications and authorizing advertisement for bids for a Metering Circuit Analyzer and authorizing the City Manager to accept or reject the bids, award the contract (up to \$14,000) and appropriate funds.

**BACKGROUND INFORMATION:** The 2003 - 04 Financial Plan and Budget includes the replacement purchase of a 1982 Metering Circuit Analyzer. The current generation of this type of equipment analyzes the entire transformer rated metering installation on site without human interaction once the test is initiated. It will detect failing current transformers, the associated wiring and the meter, all in one test, as well as produce a number of different reports for use by the utility as well as the customer. Test data can also be uploaded to a PC computer for various reports and for historical archives. Transformer rated meters are primarily used at large commercial and industrial customers. Actual meter readings are multiplied by a constant determined by the characteristics (ratio) of the transformers. Due to large constants at these customers, any error or inaccuracy in the metering installation can have significant impact on either the utility or the customer.

Since budget preparation in January 2003, a couple of enhancements to the Metering Circuit Analyzers have been introduced. The current version can perform a three-phase test simultaneously, rather than one phase at a time. Another enhancement is the addition of a load box. This device will add load to the metering circuit when insufficient customer load exists to conduct the tests. Both of these improvements will significantly reduce staff time for testing. It is recommended that both enhancements be included with the purchase at an additional estimated cost of \$2,500 and that the budgeted amount of \$11,500 be augmented with a transfer of funds from the System Improvement Business Unit, not to exceed \$2,500.

**FUNDING:** Electric Utility Department's 2003 - 04 Financial Plan and Budget  
Business Unit # 1611201 \$11,500 (page E-53)  
Business Unit # 161652 \$2,500 (page E-42)

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Adopt a resolution approving specifications and authorizing advertisement  
for bids for Metering Circuit Analyzer and authorizing the City Manager to accept  
or reject the bids, award the contract, and appropriate funds (\$14,000) (EUD)  
May 19, 2004  
Page 2

**Funding Approval:**

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Ruby Paiste  
Acting Finance Director

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Alan N. Vallow  
Electric Utility Director

**Prepared by:**

Hans Hansen, Manager, Engineering and Operations

c: Interim City Attorney  
Purchasing Officer

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR  
METERING CIRCUIT ANALYZER, AND FURTHER AUTHORIZING THE CITY  
MANAGER TO ACCEPT OR REJECT BIDS, AWARD THE CONTRACT, AND  
APPROPRIATE FUNDS

=====

WHEREAS, the 2003-04 Financial Plan and Budget provides for the replacement purchase of a 1982 Metering Circuit Analyzer; and

WHEREAS, the current generation of this type of equipment analyzes the entire transformer rated metering installation on site without human interaction once the test is initiated. It will detect failing current transformers, the associated wiring and the meter, all in one test, as well as produce a number of different reports for use by the utility as well as the customer. Test data can also be uploaded to a PC computer for various reports and for historical archives; and

WHEREAS, transformer rated meters are primarily used at large commercial and industrial customers. Actual meter readings are multiplied by a constant determined by the characteristics (ratio) of the transformers. Due to large constants at these customers, any error or inaccuracy in the metering installation can have significant impact on either the utility or the customer; and

WHEREAS, since budget preparation in January 2003, a couple of enhancements to the Metering Circuit Analyzers have been introduced. The current version can perform a three-phase test simultaneously, rather than one phase at a time. Another enhancement is the addition of a load box. This device will add load to the metering circuit when insufficient customer load exists to conduct the tests. Both of these improvements will significantly reduce staff time for testing; and

WHEREAS, it is recommended that both enhancements be included with the purchase at an additional estimated cost of \$2,500 and that the budgeted amount of \$11,500 be augmented with a transfer of funds from the System Improvement Business Unit, not to exceed \$2,500.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the specifications and authorizes advertisement for bids for the Metering Circuit Analyzer, and further authorizes the City Manager to accept or reject the bids, and award the contract up to \$14,000; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the appropriation of funds for the project as shown as follows:

Electric Utility Department's 2003 - 04 Financial Plan and Budget  
Business Unit # 1611201 \$11,500 (page E-53)  
Business Unit # 161652 \$ 2,500 (page E-42)

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Specifications and Authorizing the Advertisement for Bids for a Public Education Trailer, Storage Cover, Public Education Equipment and Supplies, and further authorizing the City Manager to Accept or Reject Bids, Award the Contract and Appropriate Funds (\$15,000 – City's portion of cost)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Michael Pretz

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**RECOMMENDED ACTION:** That Council approve the specifications, authorize the advertisement for bids for a Public Education Trailer, storage cover, public education equipment and supplies, and further authorize the City Manager to accept or reject bids, award the contract and appropriate funds.

**BACKGROUND INFORMATION:** In March 2003, Council approved the filing of a grant application to the Assistance to Firefighters Grant Act (FIRE ACT) for the development and purchase of a fire prevention trailer. The trailer is designed to demonstrate fire safety programs to children and elder adults, as well as the general population. The trailer will be utilized during Fire Prevention Week at all Lodi School District elementary schools, at community events such as the Grape Festival, and various civic, business, and senior groups. These types of fire safety programs have been very successful for at risk populations and creating lifetime learning in fire safety, as well as household safety.

The Lodi Fire Department received confirmation that the grant proposal had been awarded in January 2004. The total cost approved by the grant is \$69,642. The funding split is 70/30. The City's match is \$20,887 and the Federal grant is \$48,737. The grant includes a mobile fire safety trailer, fire extinguisher training props, an outside storage cover, equipment and supplies for public education. The Lodi Fire Department has received \$5,250 in donations designated for the purchase of a fire safety trailer from senior groups, businesses, and individuals. City Council approved \$15,000 in the 2003-04 capital budget for the purchase of the trailer provided the grant was approved.

The Lodi Fire Department Public Education Committee has visited numerous regional fire departments that currently have public education trailers to develop specifications and a program to best utilize the trailer. Upon approval of the City Council, the bid process will be implemented with an estimated delivery time of year end.

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

**FUNDING:** FIRE ACT Grant through Homeland Security Agency, Federal Emergency Management Agency will fund 70% (\$48,737). City of Lodi match responsibility is 30% (\$20,887) from the Capital Equipment Budget, \$5,250 from the account designate for the Public Education Trailer, with the remainder from the Fire Department operating account.

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Ruby Paste, Acting Finance Director

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Michael Pretz  
Fire Chief

Attachments

## **CITY OF LODI FIRE DEPARTMENT PUBLIC EDUCATION TRAILER SPECIFICATIONS**

### **GENERAL SCOPE OF THE BID:**

The Lodi Fire Department is seeking bids from qualified contractors to manufacture and deliver a fire public education trailer

This is an "Engineer, Design, Construct, and Delivery" type specification and it is not the intention of the City of Lodi to write out vendors or manufacturers of similar or equal equipment of the type specified. Bids or alternate bids for any equipment that will efficiently accomplish the same task will be given careful consideration. City of Lodi shall be the sole judge of equipment that is the most advantageous and the decision of the City shall be final.

Attached is an example of the type of trailer and the typical components desired on the unit. This example is taken from national manufacturers whose equipment is acceptable to the Department. It is the intent of the proposal that the contractor provide the best overall trailer and components meeting the needs of the Lodi Fire Department at the best price.

The Department is aware that different manufacturers use different processes, materials and components when building fire public education trailers. Therefore, it is the responsibility of the manufacturer to provide the specifications and justification for other than the listed specifications attached with each bid.

Each proposal shall be accompanied by a set of "Contractor's Specifications" consisting of a detailed description of the trailer and equipment proposed and to which the trailer furnished under contract, must conform. These specifications shall indicate size, type, model, and make of all components, parts and equipment. **NO EXCEPTIONS.**

The successful contractor will not be allowed to take advantage of any error or omission in the specifications or in the "Contractor's Specifications". Full instructions will always be given when such error or omission is discovered and the Lodi Fire Department representative is notified concerning such error or omission. Contractor shall immediately notify the Lodi Fire Department in writing when any such error or omission is discovered.

The ability of the bidder to properly execute the contract to specification and to deliver the apparatus within 180 days from receipt of order shall be deemed major considerations when evaluating each bid.

### **BIDDERS RESPONSIBILITY AND QUALIFICATIONS:**

Bidders shall have in operation a factory adequate for and devoted to the manufacture of the trailer herein specified. If equipment is proposed other than of his/her own manufacture, he/she will provide with the bid a written statement

that such equipment offered is in compliance with this specification. The intent of this section is to ensure single source responsibility for all equipment proposed by the bidder.

A list of Fire Departments with contact names and telephone numbers to which the bidder has sold similar or identical equipment within the last three years shall be supplied with each bid.

Each bid shall disclose any pending or anticipated litigation between the bidder and sub-contractors, other parties and the bidder or other parties and the sub-contractors.

The bidder shall submit a list of designated warranty and repair facilities, for the trailer and equipment, within a 50 mile radius of the City of Lodi.

### **EXAMINATION OF SPECIFICATIONS:**

Each bidder is required, before submitting their bid, to be thoroughly familiar with the specifications contained herein. No additional allowances will be made because of lack of knowledge of these conditions. It is the responsibility of the successful bidder to ascertain if any component(s) of the specification are unsafe or do(es) not meet or exceed all applicable state and federal standards.

If any unsafe or poorly designed criteria are contained herein, they shall be thoroughly explained to the purchaser in the bid by noting exception or exclusion. The City of Lodi will be advised, and exemption/exclusion noted within the bid. This item may be negotiated or renegotiated during the period of manufacturing.

The manufacturer's labor contracts, if up for renewal, shall be noted with the expiration date of the contract and anticipated outcomes.

### **PRICES AND PAYMENTS:**

All bid prices shall be on a F.O.B. destination, delivered, and accepted basis at 25 E. Pine St., Lodi, California, per specifications and shall include warranty. All prices must be specified on the Bid Form and shall be valid for at least ninety (90) days from the date of the bid opening.

Payment shall be made in accordance with the specifications and the bid upon acceptance by the City of the hardware and/or services performed under contract with the successful bid. All invoices shall bear the purchase order number.

The City of Lodi has received funding for the public education trailer through a grant with the 2004 Assistance to Firefighters Grant Program through the Federal Emergency Management Agency. Bids are being solicited for the purchase price.

### **BID EVALUATION:**

Bids received shall be evaluated by the Director of Finance, City of Lodi Fire Department and the City Manager's Office. This evaluation will be based as a minimum on the following criteria:

- Completeness of the bid, i.e., the degree to which it responds to all requirements and requests for information contained herein.
- Manufacturing and delivery schedule.
- Contractor's demonstrated capabilities and qualifications.
- Equipment supplier's demonstrated capabilities and qualifications.
- Technical approach, which includes design and engineering reliability factors.
- Maintainability considerations and recommendations.
- Planning documentation addressing: design and engineering data, drawing and schematic layouts.
- Logistical support, operation and maintenance and support functions.

These specifications are based upon design and performance criteria, which have been developed by the City of Lodi Fire Department as a result of extensive research and careful analysis of the data. Consequently, these specifications reflect the only type of trailer that is acceptable at this time. Therefore major exceptions to specifications will not be accepted. The specifications will note specific areas where no exceptions whatsoever will be accepted. Certain exceptions may be accepted if they are minor, equal, or superior to that which is specified, and provided that they are entitled "Exceptions to Specifications". The exceptions shall refer to the specification page and paragraph number where the excepted specification may be found. The City of Lodi shall determine which (if any) exceptions are acceptable and this determination shall be final. Bids that do not comply with the prescribed method to take exceptions may be rejected without further consideration.

#### **CONTRACT AWARD:**

The City of Lodi reserves the right to reject any or all bids including those bids deemed to be unresponsive and to accept any bid which best meets the above evaluation criteria. The City also reserves the right to waive any informalities and technicalities in procedure. The City of Lodi reserves the right, before awarding the contract, to require a bidder to submit such evidence of his qualifications as it may deem necessary. Documentation that may be required include financial, technical, and other documents that may be relevant to the evaluation of the qualifications and abilities of the bidder. Bidder may also be evaluated based on past performance including past performance (experience) with the City of Lodi. The City of Lodi shall be the sole authority in the award of bids.

#### **DISPUTES:**

In case of any doubt or difference of opinion as to the items to be furnished herein, the decision of the City Manager shall be final and binding on both parties. It is understood that the venue for any legal action that may be brought by either party arising out of any contract executed pursuant to these specifications shall be the appropriate jurisdictional court of San Joaquin County, California. These specifications and any contract executed pursuant to these specifications shall be interpreted under the laws of the State of California.

**PENALTIES:**

If the successful bidder fails to deliver the equipment or perform the services within the time specified, it is understood and the successful bidder hereby agrees, that the amount of \$50.00 per calendar day to a maximum of \$10,000 may be deducted from the moneys due the contractor for each intervening calendar day any work remains incomplete.

The successful bidder shall not be liable if performance failure arises out of causes beyond the control and without the fault or negligence of the successful bidder (acts of God, war, fires, floods, freight embargoes, etc.). Should a performance failure occur, it will be the responsibility of the successful bidder to notify the City of Lodi of circumstances for non-performance. Immediately following the resolution of circumstance responsible for non-performance, the successful bidder must re-negotiate delivery schedules.

**PRE-AWARD CLARIFICATIONS:**

In the event a clarification is requested on the contents of this specification, the question shall be addressed in writing to: Verne Person, Division Chief, City of Lodi Fire Department, 25 E. Pine St., Lodi, CA 95240.

Clarifications or corrections to the specifications shall not be valid unless they are in written form and signed by the Fire Department Chief or his designee. When a manufacturer requests a clarification, a copy of the request and City of Lodi reply will be forwarded to all bidders. No clarifications or addendum will be issued within 48 hours of the scheduled bid opening.

**PRE-CONSTRUCTION CONFERENCE:**

The successful bidder shall be required, prior to manufacturing, to have a pre-construction conference at the site of his choosing with City of Lodi Fire Department Chief, or his designee, to finalize all the construction details. If the bidder requires the conference to be held at a location other than the City of Lodi, the bidder shall, at his/her expense, provide transportation, lodging, and meals, etc., for two (2) persons designated by the City of Lodi. As part of the pre-construction conference an electrical system analysis shall be performed and the results provided to the Fire Department.

**INDEMNIFICATION AND INSURANCE:**

The successful bidder shall indemnify and save the City of Lodi, its officers, agents and employees harmless from any and all claims, liability, losses, and causes of action which may arise out of the fulfillment of these specifications and any agreement executed for the performance of the acts called for in these specifications. The successful bidder shall pay all claims and losses of any nature whatever in connection therewith, and shall defend all suits, in the name of the City of Lodi, its officers, agents and employees, when applicable, and shall pay all costs and judgments which may ensue thereafter.

**PATENTS AND ROYALTIES:**

The bid, without exception, shall indemnify and save harmless the City of Lodi, its officers, agents and employees from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, patented or unpatented invention, process or article of manufacture or used in the performance of the contract, including its use by the City of Lodi. If the manufacturer uses any design, device, or materials covered by letters, patent, or copyright, it is mutually agreed and understood without exception that the bid prices shall include all royalties or cost arising from the use of such design, device or materials in any way involved in the work.

#### **PROGRAM MANAGER:**

The successful bidder shall designate a competent individual acceptable to the City of Lodi to perform the successful bidder's program management function. The Program Manager shall provide a single point interface between the City of Lodi and the successful bidder on all matters concerning the contract. The Program Manager shall provide a written monthly status report to the Fire Chief, or his designee, on the progress of the fabrication, delivery schedules and all existing potential problems.

#### **SUB-CONTRACTS:**

Nothing contained in the specifications shall be construed as creating any contractual relationship between any sub-contractor and the City of Lodi. The successful bidder shall be fully responsible to the City of Lodi for the acts and omissions of the sub-contractor(s).

#### **FAMILIARITY WITH LAWS:**

The bidder is presumed to be familiar with all federal, state, and local laws, ordinances, codes, rules and regulations that may in any way affect the work. Ignorance on the part of the bidder shall in no way relieve him/her from responsibility. All bidders must have licenses as required by California State Law and be prepared to submit copies of them upon request.

#### **GENERAL CONSTRUCTION:**

The trailer, at time of delivery, must fully comply with all Federal Motor Vehicle Standards, State of California Motor Vehicle regulations in effect at time of manufacture.

The construction shall be substantial and safety factors considered to carry loads as specified and to meet road and speed conditions as set forth under road requirements. Welding shall not be employed in the assembly of the trailer in any manner that will prevent the ready removal of any component part for servicing or repair.

#### **SPECIFICATIONS PROPOSAL REQUIREMENTS:**

Each bidder must indicate in a "Yes/No" column if their proposal complies on each item specified. Exceptions may be allowed, unless "NO EXCEPTIONS" is stated, if they are equal

to or superior to that specified and provided they are listed and fully explained on a separate page. We must be able to study, evaluate and compare exceptions noted. Exceptions to specifications will be referenced to the item number, and a drawing, photograph, or technical information about the exception will be included. There will be no deviations to this requirement. **PROPOSALS TAKING TOTAL EXCEPTIONS TO SPECIFICATIONS WILL NOT BE ACCEPTED.**

### **REQUIRED MANUALS:**

The successful bidder shall supply, at time of delivery, complete operation and maintenance manuals covering the completed trailer and equipment as delivered.

The following manuals and charts shall be provided. **TRAILER WILL NOT BE ACCEPTED WITHOUT THESE MANUALS.**

- Two (2) Owner Manuals with include parts, service and operators portions
- Two (2) manuals for various equipment

### **BLUEPRINTS**

A blueprint must be approved by the fire department prior to commencement of apparatus construction. The fire department, the successful bidder's representative and the trailer manufacturer shall each have a copy of this blueprint. This blueprint shall then become a part of and incorporated into the total contract. Drawing must show, but are not limited to, such items as the chassis being utilized, all compartment locations and dimensions, special equipment location, etc. Blueprint is to be a visual interpretation of the unit as it is to be supplied.

### **DELIVERY METHOD:**

The apparatus shall be bid F.O.B. Lodi, CA. Acceptance testing of the trailer shall be conducted before acceptance of trailer is made by the City of Lodi. Successful bidder's representative shall provide a minimum of one (1 ) day training on the operation of the apparatus within one week of delivery. The cost of said training is to be included in the bid.

### **PERFORMANCE TEST AND REQUIREMENTS:**

Trailer, at the time of delivery, shall conform to the minimum requirements of the latest standards for trailers, plus any performance and design criteria or additional equipment that has been specified herein.

Trailer shall conform to any Federal Standards, State of California regulations, or Occupational Safety and Health Administration (OSHA) Standards that apply to the trailer and the auxiliary equipment and/or equipment that is furnished.

A road test will be conducted with the trailer fully loaded and a continuous run of fifty (50) miles or more will be made under all driving conditions. The trailer shall be weighed to assure the weight is under the legal maximum weight.

### **FAILURE TO MEET TESTS:**

In the event the trailer fails to meet the test requirements of these specifications on the first trials, second trials may be made at the option of the successful bidder within thirty (30) days of the date of the first trials: such trials shall be final and conclusive and failure to comply with these requirements shall be cause for rejection. Failure to comply with changes as the City of Lodi may consider necessary within thirty (30) days after notice is given to the successful bidder of such changes shall also be cause of rejection of the trailer. Permission to keep or store the trailer in any building owned or occupied by the City of Lodi or its use by the fire department during the above specified period with the permission of the successful bidder shall not constitute acceptance.

### **WARRANTY:**

The Successful bidder shall provide an unconditional apparatus warranty to cover defects in the material and workmanship for a period of one (1) year from the date of formal acceptance by the City. The successful bidder agrees to repair or replace any defect which may be found by the City, or failure which may occur during the warranty period which is not normal wear and tear, obvious neglect or abuse by the City which causes defect or failure, and any damage directly attributed to collision. Defects in material and workmanship shall be documented by the City and notice of said out of service time given in writing to the successful bidder.

The successful bidder shall extend the warranty period from the date of expiration equal to the out of service time duly noticed by the City prior to expiration of the warranty.

Any part or component repaired or replaced during the warranty period shall carry extended warranty time for a period of one (1) year from the last date of replacement or repair by the successful bidder.

Where a component manufacturer provides an independent warranty which exceeds the twelve (12) month period, the provision of this warranty shall not be allowed to diminish the normal warranty that is provided by any component manufacturer.

Where a component manufacturer does not provide a warranty equal in time or which does not fully cover all costs involved, the successful bidder is solely responsible for bearing any additional costs, or, if necessary, the total costs including freight, parts, components, materials, and/or labor for removal and installation, contractual repair or replacement service and the reimbursement for salaries of all City of Lodi employees that are engaged in performing warranty work at the request of the successful bidder. Reimbursement for the City of Lodi salaries shall be provided under the following circumstances, which shall be a requirement of this warranty agreement.

Within seventy-two (72) hours after receipt of a verbal or written notification by the City of Lodi Fire Chief, or his designee, that warranty service is required, the successful bidder shall respond

verbally, and immediately follow up by letter to the City of Lodi with a statement of intent to show where and when the warranty service shall be accomplished. In the event that there is no response or if the response exceeds seventy-two (72) hours, or if the response that is received is on time but is not acceptable to the Fire Chief of the Lodi Fire Department, the City of Lodi Fire Department will provide for the required warranty service and the total costs of all labor, parts, components, materials, and freight shall be reimbursed to the City of Lodi by the successful bidder and within fifteen (15) calendar days after the bill has been mailed to the successful bidder.

Warranty shall begin at acceptance of the manufacturer's trailer by the City of Lodi

The aforementioned warranty periods constitute the minimum and consideration shall be given to those offering extended warranty packages.

#### **MATERIAL AND WORKMANSHIP:**

All equipment furnished shall be guaranteed to be new and of current manufacture, meet all requirements of this specification, and be in an operable condition at the time of delivery.

All parts shall be of high quality workmanship, shall be in production at the time of bid, and no part or attachment shall be submitted or applied contrary to the manufacturer's recommendations and standard practices.

All workmanship shall be of high quality and performed in a professional manner so as to insure a safe and functional trailer with an aesthetic appearance.

## **SPECIFICATIONS**

### **Construction Specification Sheet**

Length: 35-40 Feet                      Width: 8' 0"                      GVW: Min. 7,000#    GVWR: 10,000#

Height: 11' 6"    Interior Height: 90"    Hitch Weight: Min. 880#    Axle Weight: Min. 6,000#

#### **A – FRAME:**

- A-1. Frame must be minimum 2x8 high strength double tube steel rails.
- A-2. Welded battery rack on tongue.
- A-3. Steel tube 4x4 rear bumper with aluminum cover.
- A-4. Standard safety chains.
- A-5. Heavy-duty rear skid bar with rollers welded to the rear of the frame.

#### **B – BODY CONSTRUCTION:**

- B-1. Sidewall construction shall be 2x2 members, 16" on center.
- B-2. Studs are bonded to 5/32" plywood paneling.
- B-3. ABS fenders with galvanized wheel pans.
- B-4. Fiberglass insulation in sidewalls with a minimum R-7 rating.
- B-5. Exterior of trailer shall be a gloss fiberglass gelcoat.
- B-6. Doors and windows shall be radius corners.
- B-7. Exterior doorsteps shall be a minimum 7" tread and maximum 7" rise with triple non-slip steps.

#### **C – AXLES & SUSPENSION:**

- C-1. Axles shall be tandem straight axles with a minimum of 6,000 lbs. Each axle shall be equipped with equalized suspension.

#### **D - BRAKES:**

- D-1. Brakes shall be a minimum of four wheel 12" electric brakes.
- D-2. Brake switch must be attached to frame.

#### **E - TIRES & WHEELS:**

- E-1. Trailer must be equipped with a minimum of four ST225/75 R16 trailer tires mounted on heavy-duty 6 lug wheels with center caps and matching spare.

#### F – ROOF:

- F-1. Roof shall be constructed of a one piece rubberized roofing material bonded to plywood underlayment.
- F-2. Roof trusses shall be 2x6 tapered.
- F-3. Minimum of four electric roof vents.
- F-4. Roof insulation shall be double the minimum standard rating.

#### G - FLOOR:

- G-1. Floor shall be constructed with a minimum of 5/8" exterior grade tongue & groove plywood on 2x4 support member 12" on center.
- G-2. Floor shall be finished with a heavy-duty vinyl flooring material throughout the entire coach as well as storage compartments.

#### H – INTERIOR CONSTRUCTION:

- H-1. Interior features of trailer must meet ADA requirements.
- H-2. Internal finish and color to be determined at pre-construction conference.

#### I - LIGHTING SYSTEMS:

- I-1. General interior lighting shall be a minimum of 12 volt fluorescent ceiling mounted.
- I-2. All other interior lighting shall be of dome style in areas such as the control room, compartments, etc.
- I-3. Total number of interior lights should be no less than 25.
- I-4. Trailer shall have a minimum of 2 porch lights, 1 on door side and 1 on rear.
- I-5. Entry lights shall be 110 volt and able to flash a distress signal on an internal switch.
- I-6. LED lights shall be provided for all ICC required lighting.
- I-7. Brakes and turn signals shall be mounted on the rear upper body.
- I-8. Additional turn signals shall be installed on both sides of trailer.
- I-9. Clearance lights shall be provided on side and front cap of trailer.

- I-10. One light on tongue shall be provided and of 12 volt with switch.
- I-11. Power tongue jack must have it's own light.
- I-12. Red roof strobe light provided with 12-volt power source with an on/off switch for roof strobe light.
- I-13. Lights shall be located at all steps and collapsible grab handles.
- I-14. Two rear back-up lights which activate when tow vehicle transmission is in reverse or when switch is activated.

#### J – ELECTRICAL SYSTEM (110 volt):

- J-1. Trailer shall be equipped with a minimum of a 30-amp power supply cord that is 110 volt for AC power needs.
- J-2. All wall receptacles and switches shall be functional.
- J-3. GFI outlets shall be provided in kitchen and any exterior locations.
- J-4. Power must be supplied through a circuit breaker built into a minimum 55-amp power converter.

#### K – ELECTRICAL SYSTEM (12 volt):

- K-1. Trailer shall be equipped with a minimum 12-volt power unit at least 55 amp power converter.
- K-2. Converter must supply 12-volt needs when plugged in.
- K-3. Trailer shall have a minimum of 2 group 24 deep cycle batteries and boxes to supply 12-volt power when not plugged in.
- K-4. Trailer shall be equipped with a battery disconnect switch for storage.
- K-5. Four (4) cigarette/power points shall be distributed evenly throughout trailer with one located in the control room.

#### L - STORAGE COMPARTMENTS:

- L-1. An outside compartment shall be provided to accommodate the wheel chair ramp.
- L-2. A compartment shall be provided to accommodate a minimum of a 5500-watt generator, which is specified with the bid. Compartment shall be shielded insulated and vented to dissipate heat. Exhaust shall be piped to vent to the outside.
- L-3. A compartment accessible from the outside shall be located under the three rows of step seating described in N-1.

L-4. Compartment doors shall be keyed alike.

L-5. Outside Cabinet for TV with compartment key to fit 19" conventional TV with pull out tray and securing devise.

#### M - DOORS & WINDOWS:

M-1. A minimum of 2 outside doors shall be provided which exit each interior room onto the passenger side of trailer.

M-2. Outside doors shall meet ADA standards with keyed locks and shall have steps as specified in B-7.

M-3. Windows and doors must be a minimum RV style with heat treated safety glass.

M-4. Control room must have a minimum 36" x 36" picture window with screen.

M-5. Shall be equipped with a rear window capable of providing an escape route. The window shall be equipped with a commercially rated chain escape ladder that shall be bolted securely for escape simulation. Ladder shall be mounted to provide room for shoe clearance between the ladder and siding and a non-skid surface on all treads.

M-6. Doors shall be keyed alike.

#### N - INTERIOR FEATURES:

N-1. Interior of trailer will contain a bedroom, kitchen, control room and area with three rows of bleacher seating across the front portion of the trailer.

N-2. Power Slide Out – Bedroom shall be equipped with a power slide out towards the driver's side that will allow a minimum of 40 additional inches of width inside the bedroom to accommodate bed on slide out..

N-3. Fireplace – front portion of trailer shall be equipped with an electric fireplace which makes crackling sounds with screen and simulated brick face with on/off switch.

N-4. Kitchen – Shall be equipped with one under the counter micro-hood system. Cabinets shall be constructed with screws not staples. Kitchen shall be equipped with a safety stove. This stove shall not be functional in the traditional manner, but shall give the appearance of a functioning stove through the use of lights. A refrigerator shall be provided equipped with a travel secure, 110-volt refrigerator, which shall be a minimum 4.4 cubic feet located in cabinets.

N-5. Control Room – Control room shall be equipped with the following:

- Hands free 911 phone system
- On/off switch for 110 volt smoke alarms
- On/off switch for heated door

- Minimum ABS schedule 40 smoke ducting system with control valves for room selection
- Adequate room and an electrical outlet for water based smoke machine
- Minimum of a 48" counter with storage cabinets
- Minimum of a 48" x 15.5" x 23" extra cushioned bench for operator
- Observation ports shall be provided to view all adjacent rooms
- Color monitor for internal camera system

N-6. Internal Camera System - Shall be equipped with an color closed circuit camera system with a minimum of three color cameras and a color monitor with a sequential switcher. The system shall be wired to allow viewing from TV located in outside viewing cabinet. The location of the cameras shall be determined in the pre-construction conference.

N-7. Heated Door Knob – Shall be equipped with a heated door knob system to simulate a fire on the other side of the door located in the bedroom. This door shall not be the exit door.

N-8. CO Detector – Shall be equipped with a carbon monoxide detector

N-9. Smoke Detector – Shall be equipped with interconnected smoke detectors in both rooms with cut-off switch located in control room

N-10. Smoke Generating Machine – Shall be equipped with a water based smoke generating machine provided with control valve for room selection and ducting into both rooms. Smoke machine shall be equipped with a wireless remote control to allow operation and control of the machine while away from the control room. Smoke machine shall have 4 gallons of smoke fluid delivered with machine.

N-11. Smoking Door System – Shall be equipped with a "smoking door" system which will allow smoke to enter from beneath the door so as to simulate a fire on the other side of the door in the bedroom. This door shall not be the exit door.

N-12. Pull station – A pull station will be located in the front room which will activate a strobe light and audible alarm. It will be equipped with a "cut off" switch next to the alarm to allow the system to be rest. Height will be at code required height.

N-13. Exit Signs – Nuclear illuminated exit signs located above both exits.

## O - MISCELLANEOUS

O-1. Trailer shall be equipped with a minimum 21' roll out awning with center support.

O-2. Trailer shall be equipped with an audible tone back-up device when tow vehicle transmission is in reverse.

O-3. Trailer shall be equipped with a lighted 12 volt power tongue jack rated for appropriate tongue weight of trailer.

- O-4. Trailer shall be equipped with a minimum 60-watt PA system with 2 outside speakers and wireless microphone.
- O-5. Trailer shall be equipped with a minimum 15,000 BTU air conditioner unit and shall be ducted to all rooms within the trailer.
- O-6. Shall be equipped with a minimum 5500-watt RV type generator equipped to run off LP fuel. The fuel tanks shall consist of two 30 lb. Tanks and located and secured on the tongue. Tanks shall have an automatic changeover. Remote start shall be located inside trailer with hour meter.
- O-7. Trailer shall be equipped with a set of four electric level jacks. Each jack shall have its own switch and will operate off power from the trailer's battery and allow manual override.
- O-8. Furnace/Gas System – Shall be equipped with a furnace/gas system ducted to all rooms within the trailer and sufficient for trailer use.
- O-9. Water Tank and Pump – Shall be equipped with a minimum 30 gallon fresh water tank and a pressure pump for providing water flow.
- O-10. Grey Water Tank – Shall be equipped with a minimum 30 gallon grey water tank for containing water from the sink drain. Tank shall be have outside dumping capability with hose through slide valve.

OPTIONS – Include pricing to add options

- 1. Power awning capable of automatically retracting in high wind conditions.

ITEM	COMPLIANCE	
	YES	NO
GENERAL SCOPE OF THE BID	<input type="checkbox"/>	<input type="checkbox"/>
BIDDERS RESPONSIBILITY & QUALIFICATIONS	<input type="checkbox"/>	<input type="checkbox"/>
EXAMINATION OF SPECIFICATIONS	<input type="checkbox"/>	<input type="checkbox"/>
PRICES & PAYMENTS	<input type="checkbox"/>	<input type="checkbox"/>
BID EVALUATION	<input type="checkbox"/>	<input type="checkbox"/>
CONTRACT AWARD	<input type="checkbox"/>	<input type="checkbox"/>
DISPUTES	<input type="checkbox"/>	<input type="checkbox"/>
PENALTIES	<input type="checkbox"/>	<input type="checkbox"/>
PRE-AWARD CLARIFICATIONS	<input type="checkbox"/>	<input type="checkbox"/>
PRE-CONSTRUCTION CONFERENCE	<input type="checkbox"/>	<input type="checkbox"/>
INDEMNIFICATION & INSURANCE	<input type="checkbox"/>	<input type="checkbox"/>
PATENTS & ROYALTIES	<input type="checkbox"/>	<input type="checkbox"/>
PROGRAM MANAGER	<input type="checkbox"/>	<input type="checkbox"/>
SUB-CONTRACTS	<input type="checkbox"/>	<input type="checkbox"/>
FAMILIARITY WITH LAWS	<input type="checkbox"/>	<input type="checkbox"/>
GENERAL CONSTRUCTION	<input type="checkbox"/>	<input type="checkbox"/>
SPECIFICATIONS PROPOSAL REQUIREMENTS	<input type="checkbox"/>	<input type="checkbox"/>
REQUIRED MANUALS	<input type="checkbox"/>	<input type="checkbox"/>
BLUE PRINTS	<input type="checkbox"/>	<input type="checkbox"/>
ON SITE INSPECTIONS	<input type="checkbox"/>	<input type="checkbox"/>
DELIVERY METHOD	<input type="checkbox"/>	<input type="checkbox"/>
PERFORMANCE TEST & REQUIREMENTS	<input type="checkbox"/>	<input type="checkbox"/>

FAILURE TO MEET TESTS	<input type="checkbox"/>	<input type="checkbox"/>
WARRANTY	<input type="checkbox"/>	<input type="checkbox"/>
MATERIAL & WORKMANSHIP	<input type="checkbox"/>	<input type="checkbox"/>

ITEM SPECIFICATIONS	COMPLIANCE	
	YES	NO
CONSTRUCTION SPECIFICATIONS	<input type="checkbox"/>	<input type="checkbox"/>
A. FRAME		
A-1	<input type="checkbox"/>	<input type="checkbox"/>
A-2	<input type="checkbox"/>	<input type="checkbox"/>
A-3	<input type="checkbox"/>	<input type="checkbox"/>
A-4	<input type="checkbox"/>	<input type="checkbox"/>
A-5	<input type="checkbox"/>	<input type="checkbox"/>
B. BODY CONSTRUCTION		
B-1	<input type="checkbox"/>	<input type="checkbox"/>
B-2	<input type="checkbox"/>	<input type="checkbox"/>
B-3	<input type="checkbox"/>	<input type="checkbox"/>
B-4	<input type="checkbox"/>	<input type="checkbox"/>
B-5	<input type="checkbox"/>	<input type="checkbox"/>
B-6	<input type="checkbox"/>	<input type="checkbox"/>
B-7	<input type="checkbox"/>	<input type="checkbox"/>
C. AXLES & SUSPENSION		
C-1	<input type="checkbox"/>	<input type="checkbox"/>
D. BRAKES		
D-1	<input type="checkbox"/>	<input type="checkbox"/>
D-2	<input type="checkbox"/>	<input type="checkbox"/>
E. TIRES & WHEELS		
E-1	<input type="checkbox"/>	<input type="checkbox"/>
F. ROOF		
F-1	<input type="checkbox"/>	<input type="checkbox"/>
F-2	<input type="checkbox"/>	<input type="checkbox"/>
F-3	<input type="checkbox"/>	<input type="checkbox"/>
F-4	<input type="checkbox"/>	<input type="checkbox"/>
G. FLOOR		
G-1	<input type="checkbox"/>	<input type="checkbox"/>
G-2	<input type="checkbox"/>	<input type="checkbox"/>

## H. INTERIOR CONSTRUCTION

H-1	<input type="checkbox"/>	<input type="checkbox"/>
H-2	<input type="checkbox"/>	<input type="checkbox"/>

## I. LIGHTING SYSTEM

I-1	<input type="checkbox"/>	<input type="checkbox"/>
I-2	<input type="checkbox"/>	<input type="checkbox"/>
I-3	<input type="checkbox"/>	<input type="checkbox"/>
I-4	<input type="checkbox"/>	<input type="checkbox"/>
I-5	<input type="checkbox"/>	<input type="checkbox"/>
I-6	<input type="checkbox"/>	<input type="checkbox"/>
I-7	<input type="checkbox"/>	<input type="checkbox"/>
I-8	<input type="checkbox"/>	<input type="checkbox"/>
I-9	<input type="checkbox"/>	<input type="checkbox"/>
I-10	<input type="checkbox"/>	<input type="checkbox"/>
I-11	<input type="checkbox"/>	<input type="checkbox"/>
I-12	<input type="checkbox"/>	<input type="checkbox"/>
I-13	<input type="checkbox"/>	<input type="checkbox"/>
I-14	<input type="checkbox"/>	<input type="checkbox"/>

## J. ELECTRICAL SYSTEM (110 VOLT)

J-1	<input type="checkbox"/>	<input type="checkbox"/>
J-2	<input type="checkbox"/>	<input type="checkbox"/>
J-3	<input type="checkbox"/>	<input type="checkbox"/>
J-4	<input type="checkbox"/>	<input type="checkbox"/>

## K. ELECTRICAL SYSTEM (12 VOLT)

K-1	<input type="checkbox"/>	<input type="checkbox"/>
K-2	<input type="checkbox"/>	<input type="checkbox"/>
K-3	<input type="checkbox"/>	<input type="checkbox"/>
K-4	<input type="checkbox"/>	<input type="checkbox"/>
K-5	<input type="checkbox"/>	<input type="checkbox"/>

## L. STORAGE COMPARTMENTS

L-1	<input type="checkbox"/>	<input type="checkbox"/>
L-2	<input type="checkbox"/>	<input type="checkbox"/>
L-3	<input type="checkbox"/>	<input type="checkbox"/>
L-4	<input type="checkbox"/>	<input type="checkbox"/>
L-5	<input type="checkbox"/>	<input type="checkbox"/>

## M. DOORS &amp; WINDOWS

M-1	<input type="checkbox"/>	<input type="checkbox"/>
M-2	<input type="checkbox"/>	<input type="checkbox"/>
M-3	<input type="checkbox"/>	<input type="checkbox"/>
M-4	<input type="checkbox"/>	<input type="checkbox"/>
M-5	<input type="checkbox"/>	<input type="checkbox"/>
M-6	<input type="checkbox"/>	<input type="checkbox"/>

## N. INTERIOR FEATURES

N-1	<input type="checkbox"/>	<input type="checkbox"/>
N-2	<input type="checkbox"/>	<input type="checkbox"/>
N-3	<input type="checkbox"/>	<input type="checkbox"/>
N-4	<input type="checkbox"/>	<input type="checkbox"/>
N-5	<input type="checkbox"/>	<input type="checkbox"/>
N-6	<input type="checkbox"/>	<input type="checkbox"/>
N-7	<input type="checkbox"/>	<input type="checkbox"/>
N-8	<input type="checkbox"/>	<input type="checkbox"/>
N-9	<input type="checkbox"/>	<input type="checkbox"/>
N-10	<input type="checkbox"/>	<input type="checkbox"/>
N-11	<input type="checkbox"/>	<input type="checkbox"/>
N-12	<input type="checkbox"/>	<input type="checkbox"/>
N-13	<input type="checkbox"/>	<input type="checkbox"/>

## O. MISCELLANEOUS

O-1	<input type="checkbox"/>	<input type="checkbox"/>
O-2	<input type="checkbox"/>	<input type="checkbox"/>
O-3	<input type="checkbox"/>	<input type="checkbox"/>
O-4	<input type="checkbox"/>	<input type="checkbox"/>
O-5	<input type="checkbox"/>	<input type="checkbox"/>
O-6	<input type="checkbox"/>	<input type="checkbox"/>
O-7	<input type="checkbox"/>	<input type="checkbox"/>
O-8	<input type="checkbox"/>	<input type="checkbox"/>
O-9	<input type="checkbox"/>	<input type="checkbox"/>
O-10	<input type="checkbox"/>	<input type="checkbox"/>

## OPTIONS

Power Awning w/ high wind auto retracting	<input type="checkbox"/>	<input type="checkbox"/>
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Cost \$\_\_\_\_\_

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING SPECIFICATIONS AND  
AUTHORIZING ADVERTISEMENT FOR BIDS FOR A PUBLIC EDUCATION TRAILER,  
STORAGE COVER, PUBLIC EDUCATION EQUIPMENT AND SUPPLIES, AND  
FURTHER AUTHORIZING THE CITY MANAGER TO ACCEPT OR REJECT BIDS,  
AWARD THE CONTRACT, AND APPROPRIATE FUNDS

=====

WHEREAS, in March 2003, the City Council approved the filing of a grant application for the "Assistance to Firefighters Grant" for the development and purchase of a fire prevention mobile home; and

WHEREAS, the trailer is designed to demonstrate fire safety programs to children, elderly adults, as well as the general population, and the trailer will be utilized during Fire Prevention Weeks at elementary schools, community events, and various civic, business and senior group events; and

WHEREAS, the Lodi Fire Department received confirmation in January 2004 that the Grant Application was approved in the amount of \$48,737, with the City's portion being \$20,887; and

WHEREAS, the City Council approved \$15,000 in the 2003-2004 capital budget for the purchase of the trailer provided the grant was approved; and because of the extended timeline for the grant approval and to begin the bid process and award, the Fire Department has requested that the \$15,000 be transferred into the 2004-2005 budget; and

WHEREAS, the Fire Department has received donations designated for the purchase of a fire safety trailer which totals \$5,250, with the remainder of the necessary funds being derived from the Fire Departments' operating budget; and

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the specifications on file at the Lodi Fire Department, and authorizes advertisement for bids for the Public Education Trailer, Storage Cover, Public Education Equipment and Supplies; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to accept or reject the bids, award the contract, and appropriate funds from the 2003-2004 capital budget in the amount of \$15,000 into the 2004-2005 capital budget for this purchase.

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Authorize Advertisement for Transportation Services for the Oooh Ahhh Festival and Authorize Use of Buses Should No Alternate Provider Be Willing to Perform the Service

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Public Works Director

---

**RECOMMENDED ACTION:** That the City Council authorize advertisement for transportation services for the Oooh Ahhh Festival and authorize use of buses should no alternate provider be willing to perform the service.

**BACKGROUND INFORMATION:** At its March 5, 2003, meeting, the City Council adopted policies and procedures for the use of transit services outside regular operations. Included in the adopted policy was specific language identifying the procedure for utilizing the City's transit services.

In the past, a private operator has been able to handle transportation for this 4<sup>th</sup> of July celebration. This year, that vendor is unavailable, and the City has been contacted by Whytehouse Productions to perform this service. The 4<sup>th</sup> of July is not a regularly scheduled day for transit services, so the applicant would be required to pay the overtime rate for service.

**FUNDING:** Funding for the advertisements and operations shall be incurred by Whytehouse Productions.

---

Richard C. Prima, Jr.  
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TF/pmf

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Rejecting the Bid, Authorizing Advertisement for Bids for the Cochran Road Street Improvements from Peach Street to Willow Avenue and Further Authorizing the City Manager to Award or Reject the Contract (Up to \$40,000)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution rejecting the bid for the above project, authorizing advertisement for bids, and further authorizing the City Manager to award or reject the contract up to \$40,000.

**BACKGROUND INFORMATION:** This project consists of installing curb, gutter, sidewalk, and asphalt concrete pavement along the north side of Cochran Road from Peach Street to Willow Avenue, all as shown on the plans and specifications for "Cochran Road Street Improvements, Peach Street to Willow Avenue".

The City received one bid on March 24, 2004, from A.M. Stephens Construction Company of Lodi. The submitted bid price for this project was \$44,959.10, which is about 30% higher than the engineer's estimate (\$33,524.20). Staff has contacted A.M. Stephens Construction Company regarding the high bid prices. A.M. Stephens explained that the high prices were due to the small project size and the high subcontractors' prices submitted to them. Staff feels that the bid we received was not competitive enough and is investigating other ways to make the project more cost effective, which may include using City forces to perform some of the work. Cost saving measures will directly affect the property owners on this section of Cochran Road because the property owners are obligated to reimburse all the construction cost to the City for this project.

Staff is recommending the Council reject the bid for this project, authorize advertisement for new bids at a later date, and authorize the City Manager to award or reject the contract up to \$40,000.

The plans and specifications are on file in the Public Works Department.

**FUNDING:** Property Owners and Street Fund  
Project Estimate: \$40,000  
Planned Bid Opening Date: Unknown at this time  
Funding Available:

\_\_\_\_\_  
Ruby Paiste, Acting Finance Director

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer  
RCP/LC/pmf

cc: Street Superintendent  
Management Analyst Areida  
A.M. Stephens Construction

Senior Civil Engineer Fujitani  
Associate Civil Engineer Chang  
Property Owners

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL REJECTING THE SOLE BID,  
AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE COCHRAN ROAD  
STREET IMPROVEMENTS FROM PEACH STREET TO WILLOW AVENUE,  
AND FURTHER AUTHORIZING THE CITY MANAGER TO AWARD OR  
REJECT THE CONTRACT UP TO \$40,000

=====

WHEREAS, this project consists of installing curb, gutter, sidewalk, and asphalt concrete pavement along the north side of Cochran Road from Peach Street to Willow Avenue; and

WHEREAS, this section of Cochran Road does not have any frontage improvements along the north side of the street, and installation of frontage improvements is the responsibility of the property owner per Lodi Municipal Code Chapter 15.44; and

WHEREAS, the City received one bid on March 24, 2004 from A.M. Stephens Construction Company of Lodi in the amount of \$44,959.10, which is approximately 30% higher than the engineer's estimate of \$33,524.20; and

WHEREAS, staff feels that this sole bid is not competitive and recommends rejecting the bid, advertising a second time, and further recommends authorizing the City Manager to award or reject the bid up to \$40,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reject the sole bid of A. M. Stephens Construction of Lodi, and further authorizes advertisement for bids for the Cochran Road Street Improvements from Peach Street to Willow Avenue; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to award or reject the contract up to \$40,000.00 for the Cochran Road Street Improvements from Peach Street to Willow Avenue.

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt resolution awarding the purchase of #1/0 medium-voltage EPR-insulated underground conductor to the low bidder, The Okonite Company, San Ramon, CA (\$52,452.70) (EUD)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution awarding the purchase of 40,000 feet of #1/0 medium-voltage concentric-neutral EPR-insulated underground electrical cable to the low bidder, The Okonite Company, San Ramon, CA, in the amount of \$52,452.70.

**BACKGROUND INFORMATION:** On April 19, 2004, the City Council approved specifications and authorized advertisement for bids for this conductor.

The following five bids were received, and opened on May 5, 2004:

The Okonite Company, San Ramon, CA	\$52,452.70
Pirelli Power Cables, Lexington, SC	\$57,624.70
Western States Electric, Portland, OR	\$62,322.60 <sup>1</sup>
Western States Electric, Portland, OR	\$65,684.40
Paige Electric, Union, NJ	\$66,977.40

Notes: 1. Western States Electric's bid of \$62,322.60 is subject to change based on metals prices at the time of shipment. All other bidders' prices are firm through delivery.

Last year, the Electric Utility Department solicited bids on several sizes of underground electric cable with a new type of insulation, ethylene-propylene rubber (EPR). Industry tests had shown that EPR insulation yielded longer cable life and resulted in fewer cable failures, while department evaluations showed EPR cable could be installed more efficiently than conductor with cross-linked insulation. Additionally, conversion to EPR cable allowed the Department to replace two sizes (#2 and #2/0) in cross-linked conductor with one size (#1/0) in EPR.

This cable will be needed for installation in new subdivisions later this year.

**FUNDING:** Electric Utility Department 2003-2005 Financial Plan and Budget, Line Extensions, Business Unit 161651, Page E-41

Ruby Paiste, Acting Finance Director

Alan N Vallow, Electric Utility Director

Prepared by Joel Harris, Purchasing Officer  
cc: Manager, EUD Engineering and Operations

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING  
THE BID FOR THE PURCHASE OF #1/0 MEDIUM-VOLTAGE  
EPR-INSULATED UNDERGROUND CONDUCTOR

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on May 5, 2004, at 11:00 a.m. for 40,000 feet of #1/0 Medium-Voltage Concentric-Neutral EPR-Insulated Underground Electrical Cable, described in the specifications therefore approved by the City Council on April 19, 2004; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as shown below:

The Okonite Company, San Ramon, CA	\$52,452.70
Pirelli Power Cables, Lexington, SC	\$57,624.70
Western States Electric, Portland, OR	\$62,322.60 <sup>1</sup>
Western States Electric, Portland, OR	\$65,684.40
Paige Electric, Union, NJ	\$66,977.40

**Notes: 1. Western States Electric's bid of \$62,322.60 is subject to change based on metals prices at the time of shipment. All other bidders' prices are firm through delivery.**

WHEREAS, last year, the Electric Utility Department, solicited bids on several sizes of underground electric cable with a new type of insulation, ethylene-propylene rubber (EPR). Industry tests had shown that EPR insulation yielded longer cable life and resulted in fewer cable failures, while department evaluations showed EPR cable could be installed more efficiently than conductor with cross-linked insulation. Additionally, conversion to EPR cable allowed the Department to replace two sizes (#2 and #2/0) in cross-linked conductor with one size (#1/0) in EPR; and

WHEREAS, the City Manager recommends awarding the bid for the purchase of 40,000 feet total of #1/0 Medium-Voltage Concentric-Neutral EPR-Insulated Underground Electrical Cable, to the low bidder, The Okonite Company, of San Ramon, California, in the amount of \$52,452.70.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the bid for the purchase of 40,000 feet #1/0 Medium-Voltage Concentric-Neutral EPR-Insulated Underground Electrical Cable to the low bidder, The Okonite Company, of San Ramon, California, in the amount of \$52,452.70.

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk  
2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt resolution awarding contract for concession operations at Lodi Lake Park and other locations (determined quarterly) for recreational events

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Parks and Recreation Director

---

**RECOMMENDED ACTION:** That the City Council adopt a resolution awarding the contract for concession operations at Lodi Lake Park and other locations (determined quarterly) for recreational events to the sole bidder Java J'z, Inc. Woodbridge, CA.

**BACKGROUND INFORMATION:** On April 21, 2004, the City Council approved specifications and authorized advertisement of bids for concession operations at Lodi Lake Park and other locations for recreational events to be determined quarterly. The proposal was to include a percentage of gross sales from concession operations, after sales tax, to be paid to the city for the privilege of furnishing concession services at Lodi Lake Park and other locations.

On May 5, 2004, staff received and opened the sole bid for concession operations from May 29, 2004, to December 31, 2005:

Java J'z, Woodbridge, CA	13%
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**FUNDING:** None.

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Tony Goehring  
Parks and Recreation Director

Prepared by Susan Bjork, Management Analyst

TG/SB:tl

cc: City Attorney  
Park Program Specialist

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



recreational events (determined quarterly by mutual agreement with concessionaire and Director of Parks and Recreation), beginning May 29, 2004 and ending December 31, 2005.

The City of Lodi reserves the right to waive exclusive license and permit the operation of additional concession activities during the following events:

Annual Boat Races

Fourth of July Celebration/Festival

Salmon Festival

Major Special Events

All Private Facility Rentals

The City will provide:

1. Garbage receptacles. However, Concessionaire will be responsible for removing, at Concessionaire's own cost and expense, all large boxes, storage containers, and/or packaging materials which may accumulate from equipment or food storage packaging;
2. Maintenance of the general property, unless abuse and lack of general care is apparent, at which time the cost and expenditures for repairs and maintenance shall be borne by the Concessionaire.

CONCESSION OPERATION CONDITIONS:

1. The length of the contract shall be from May 29, 2004, and ending at midnight on December 31, 2005.
2. Concessionaire agrees to maintain in full force during the term hereof, a policy of general liability insurance which contains an Additional Named Insured Endorsement naming the City of Lodi, its officers, agents, and employees as Additional Insureds, and under which the insurer agrees to indemnify and hold the City of Lodi harmless from and against all

costs, expenses, and liability arising out of, or based upon, any and all property damage, or damages for personal or bodily injuries, including death, sustained in accidents occurring in or about the demised premises; where such accident, damage, or injury, including death, results or is claimed to have resulted, from any act or omission on the part of Concessionaire or Concessionaire's agents or employees in the implementation of this Agreement. The minimum limits of such insurance shall be \$1,000,000 general aggregate. In addition to the Additionally Named Insured Endorsement on Concessionaire's policy of insurance, said insurance policy shall be endorsed to include the following language:

"Such insurance as is afforded by the endorsement for the Additional Insureds shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the coinsurance afforded by this endorsement."

A duplicate or certificate of said bodily injury and property damage insurance containing the above-stated required endorsement shall be delivered to the Risk Manager after the issuance of said policy, with satisfactory evidence that each carrier is required to give the City of Lodi at least 30 days prior notice of the cancellation or reduction in coverage of any policy during the effective period of this Agreement. The insurance certificate must state on its face or as an endorsement, the name of the Concession that it is insuring. If there has been no such delivery within forty-eight (48) hours prior to the commencement of this Agreement, this Agreement shall be null and void. All requirements herein provided shall appear either in the body of the insurance policy or as endorsements and shall specifically bind the insurance carrier. This paragraph and all other provisions of this Agreement shall apply and be construed as applying to any subtenant of Concessionaire; in the event any such subtenant is allowed under the provisions of paragraph 13 of this agreement.

Notwithstanding other provisions contained in this Agreement, the City Manager is granted the right to immediately terminate the Agreement upon failure on the part of the

Concessionaire to keep in full force and effect during the entire term of the agreement, the insurance as set forth in this section.

3. Concessionaire shall, prior to opening for business each year of said Agreement, furnish a "Products and Price Schedule" and shall follow the products and price schedule as negotiated between the City Manager or his representative and Concessionaire.
4. Concessionaire shall provide all equipment and products to operate said concessions.
5. Concessionaire shall pay 13% of gross receipts after taxes to the City of Lodi, which payments shall be due on the tenth (10th) calendar day of every month for sales of the previous month. If said percentage has not been paid by the due dates, there shall be a penalty of five percent (5%) per day for any amounts not paid, and owing to the City. The Concessionaire shall keep accurate records and books of accounts of all purchases and sales, and does hereby give to the City or its authorized agents, the right to examine and audit said books at any time City desires. The Concessionaire shall complete monthly records on forms provided by the City, and these reports shall accompany gross receipts payments, provided to the City by the tenth (10th) calendar day of each month while concessions are in operation.
6. The dates and times of operation shall be as follows:

LODI LAKE OPERATIONS

- A. Concessionaire shall operate Fridays, Saturday, and Sundays from Memorial Day weekend through Labor Day weekend each year. Additional days of operation may be negotiable to realize optimum operating efficiencies and profitability while meeting the needs of park guests.
- B. The hours of operation of the Concession shall be from 11:00 a.m. to 6:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends, unless different hours are mutually agreed to in writing by City and Concessionaire.

## OTHER LOCATIONS FOR RECREATIONAL EVENTS/ACTIVITIES

Dates and times of operation to be mutually agreed upon by the concessionaire and Parks and Recreation Director on a quarterly basis.

7. Concessionaire agrees to obtain at his/her own expense, any and all permits and licenses which may be required by law or ordinance in conducting the concessions, and to pay any and all taxes and assessments which may be assessed against him or her for whatever purposes in the operation of said concessions.

8. Maintenance:

Concessionaire shall keep the food carts and the immediate surrounding areas in clean and presentable condition at all times and follow the strictest of sanitary conditions, and any State and local ordinances applicable to the business to be conducted. Concessionaire shall be responsible for daily removal from the premises all packaging materials (cartons, boxes, cases) in which food and beverage items are packed. Concessionaire shall be responsible to give the City written notice of any maintenance problems.

9. The rights granted hereunder for concession sales at the identified park and other locations for recreational events (determined quarterly by mutual agreement with concessionaire and Director of Parks and Recreation), shall be exclusive to Concessionaire, save and except any special events (e.g. boat races, Salmon Festival, Fourth of July events, major special events, etc.), conducted outside the normal course of operation at the above described locations, and of which the City Manager shall give concessionaire five (5) days advance notice.

Concessionaire will be given first consideration for vending at said special events upon agreement of event sponsor. (No food or product rights without agreement of sponsoring party.)

In the event concessionaire is chosen to provide concessions at any of the above listed special events, the fee to the City, and all accounting and other procedures shall be as provided in Paragraph 5 of this Agreement. However, if the sponsoring organization requires a vending fee from concessionaire, such vending fee shall be negotiated between event sponsor and City of Lodi, with such fee totaling a portion (not to exceed 100%) of the fee concessionaire is obligated to pay to the city.

10. Concessionaire is aware that a Possessory Interest Tax is or may be charged each year by the County Assessor for the use of the facilities and that payment of this tax is the responsibility of the vendor.
11. The Parks and Recreation Director reserves the right to approve or disapprove any employee or operator of said concession stand on a basis of such considerations as dress, general cleanliness, and working relationship with the public and staff, as needed to successfully vend food for day-to-day operations, tournaments or special events or activities. (The City will counsel and coordinate this action with Concessionaire manager). All concession employees will be dressed in like uniforms, white or other light color as approved by the Parks and Recreation Director, and be identified, by name, as employees of Concessionaire. All concession employees shall wear appropriate head attire to meet San Joaquin County Health Department requirements, and shall be clean at all times.
12. The City reserves the right to enter upon the premises at any reasonable time to inspect the operation and equipment thereon, or for any other purpose.
13. Concessionaire shall not have the right to sell, mortgage, assign or sublet the contract/agreement or any part thereof without the prior written consent of the City Manager or his representative. A breach of this condition shall automatically terminate any contract or agreement between City and Concessionaire. (In the event that Concessionaire is unable to provide required concession products and/or services for special events, the City shall have the right to secure said services and/or food and

beverage products, and to negotiate any and all agreements or contracts to provide said services and/or food and beverage products for sale to the public, and all proceeds therefrom shall be forfeited to the City. Said original Concessionaire shall have first right of refusal to participate in said negotiations.)

14. The agreement/contract may be terminated by written agreement of either party hereto without cause upon thirty (30) days' written notice to the other party. Such notice shall be delivered to the City Manager's office, City Hall, 221 West Pine Street, Lodi, or to the Concessionaire at a premise which is subject to this agreement.
15. Concessionaire shall be required to provide to the City upon the signing of this agreement a Fidelity Bond in the amount of \$1,000, or other security of equal value approved by the City Attorney.
16. If Concessionaire defaults in any of the terms contained herein, the Concessionaire's agreement to provide service as specified herein shall terminate upon failure of Concessionaire to correct the default within thirty (30) days of receiving written notice thereof from the City. Upon any termination thereof, Concessionaire agrees to quit and surrender possession peaceably and City shall have the right to remove Concessionaire and all others occupying through or under this agreement. Under such termination of agreement the Concessionaire's performance bond shall be forfeited to the City for payment of all outstanding debts owed by Concessionaire to the City, including monthly payment(s) and any and all reimbursements for repairs or replacement of the facilities.
17. In the event that either party brings an action under this Agreement for the breach or enforcement thereof, the prevailing party in such action shall be entitled to its reasonable attorneys' fees and costs, whether or not such action is prosecuted to judgment.
18. At the City's discretion, according to the decision of the City Manager upon the recommendation of the Parks and Recreation Director, a two-year extension of this

agreement beyond the December 31, 2005, term may be considered, based upon the performance of concessionaire during the initial term of this agreement.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands the day and year first hereinabove written.

CONCESSION OPERATIONS

LODI LAKE PARK AND OTHER LOCATIONS FOR RECREATIONAL EVENTS

CITY OF LODI, a municipal  
corporation

CONCESSIONAIRE,

\_\_\_\_\_  
H. Dixon Flynn  
City Manager

\_\_\_\_\_  
Justin Burchard  
Java J'z, Inc.

ATTEST:

\_\_\_\_\_  
Susan J. Blackston  
City Clerk

Dated: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
D. Stephen Schwabauer  
Interim City Attorney

RESOLUTION NO. 2001-90

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE  
CONTRACT FOR CONCESSION OPERATIONS AT LODI LAKE  
PARK AND OTHER LOCATIONS FOR RECREATIONAL  
EVENTS

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council sealed bids were received and publicly opened on May 5, 2004, at 11:00 a.m. for Concession Operations at Lodi Lake Park and other locations (to be determined quarterly) for recreational events for the period of May 29, 2004 through December 31, 2005, described in the specifications therefore approved by the City Council on April 21, 2004; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder/Location</u>	<u>Bids</u>
Java J'z, Woodbridge, CA	Percentage to City -13% of Gross Sales (after sales tax)

WHEREAS, the City Manager recommends award of the contract for Lodi Lake Park Concession Operations be made to the sole bidder, Java J'z of Woodbridge, California.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the bid for the Concession Operations at Lodi Lake Park and other locations (to be determined quarterly) for recreational events for the period of May 29, 2004 through December 31, 2005, be and the same is hereby awarded to the sole bidder, Java J'z, Woodbridge, California, for the percentage return to the City of 13% of Gross Sales (after sales tax).

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution to Approve the Final Map, Improvement Agreement and Water Rights Agreement for Almond North, Tract No. 3396 and Appropriate Funds for Required Reimbursements (\$1,120)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution approving the final map, improvement agreement and water rights agreement for Almond North, Tract No. 3396, direct the City Manager and City Clerk to execute the improvement agreement, water rights agreement and map on behalf of the City and appropriate funds for required reimbursements.

**BACKGROUND INFORMATION:** The subdivision is located north of Almond Drive and east of Stockton Street, adjacent to the Almondwood Estates subdivision, as shown on Exhibit A. The subdivision is zoned R-2 and includes 28 residential lots. Subdivision development includes 22 single-family residential lots and six corner lots on which duplexes will be constructed in conformance with the R-2 zoning designation.

In order to assist the City in providing an adequate water supply, Almond North, LLC, is required, as a condition of tentative map approval, to enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed Almond North subdivision, and that the City may charge fees for the delivery of such water in accordance with City rate policies. The agreement establishes conditions and covenants running with the land for all lots in the subdivision and provides deed provisions to be included in each conveyance.

The final map is currently being reviewed by San Joaquin County and City staff. If approved by Council, the map will be forwarded to the City Manager and City Clerk for execution when the review process is complete and the signed final map is received from the County.

The developer of the subdivision, Almond North, LLC, has furnished the City with the improvement plans, necessary agreements, guarantees, insurance certificates, and a portion of the fees for the proposed subdivision. The Development Impact Mitigation Fees will be paid prior to Council acceptance of the public improvements. Payment has been guaranteed as part of the faithful performance improvement security for the project in conformance with LMC §15.64.040.

As a condition of tentative map approval, traffic calming measures in the form of bow-outs were to be provided at the Cherrywood Way/Ravenwood Way intersection. In an effort to explore alternative traffic calming measures and since bow-outs have been used in other subdivisions, City staff requested during the plan check process that the developer install a traffic circle instead of the bow-outs specified in the

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

map conditions. A drawing of the proposed traffic circle is attached as Exhibit B. The developer complied with staff's request but incurred some additional costs in the process. The developer's contractor, Teichert Construction, provided a cost analysis for both options and the developer provided an invoice from the engineer, Siegfried Engineering, showing the additional design costs for the traffic circle. The cost comparison for each option is shown on Exhibit C. The net additional cost to developer is \$1,116. The developer has requested reimbursement by the City for the additional cost. Staff feels that this is a reasonable request and recommends that Council appropriate the funds for this reimbursement.

**FUNDING:** Street Fund (320002) \$1,116

---

Ruby Paiste  
Acting Finance Director

---

Richard C. Prima, Jr.  
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer

RCP/SAW/pmf

Attachments

cc: Senior Civil Engineer Fujitani  
Senior Civil Engineer Welch  
Almond North, LLC  
Siegfried Engineering, Inc.

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE FINAL MAP, IMPROVEMENT  
AGREEMENT, AND WATER RIGHTS AGREEMENT FOR  
ALMOND NORTH, TRACT NO. 3396, AND FURTHER  
APPROPRIATING FUNDS FOR THE REQUIRED  
REIMBURSEMENTS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Final Map, Improvement Agreement, and Water Rights Agreement for Almond North, Tract No. 3396, located north of Almond Drive and east of Stockton Street, adjacent to the Almondwood Estates Subdivision, as shown on Exhibit A attached; and

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager and City Clerk to execute the Improvement Agreement, Water Rights Agreement, and the Final Map on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED, that funds in the amount of \$1,116 as shown on Exhibit C attached, be appropriated from the Street Fund for reimbursement to the developer for the additional cost incurred to install a traffic circle instead of the bow-outs specified in the map conditions, as shown on Exhibit B attached.

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

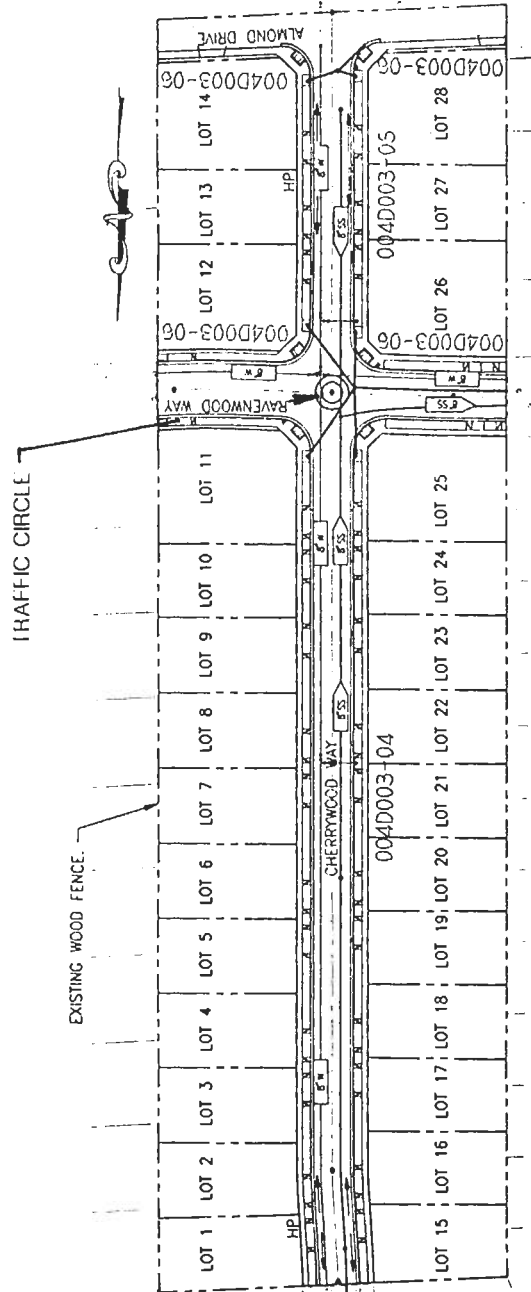
SUSAN J. BLACKSTON  
City Clerk



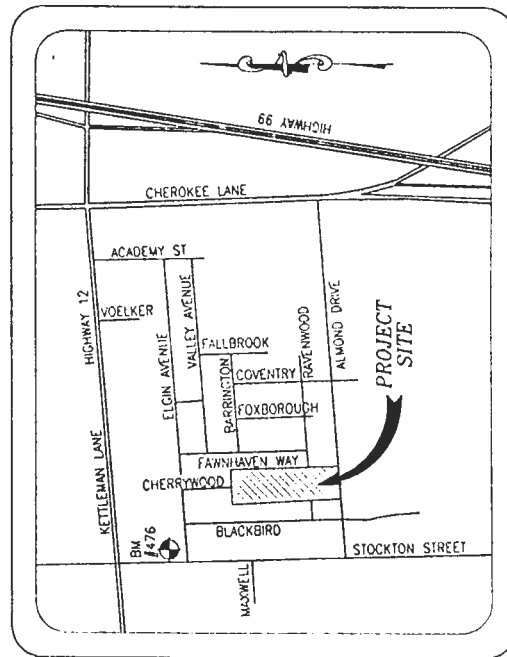
# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A



## ALMOND NORTH SUBDIVISION



VICINITY MAP  
NOT TO SCALE



# EXHIBIT C

City of Lodi  
Publics Works Department

## COST COMPARISON FOR IMPROVEMENTS AT CHERRYWOOD/RAVENWOOD INTERSECTION

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Development: Almond North  
Developer: Almond North LLC  
Engineer: Siegfried Engineering, Inc.

---

### COST OF IMPROVEMENTS FOR EACH OPTION <sup>(1)</sup>

---

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Total</u>
<b><u>Traffic Circle Option</u></b>					
1	Curb & Gutter	60	LF	75.00	\$4,500.00
2	City of Lodi Curb Return (275 SF Each)	4	EA	1,800.00	7,200.00
3	1" Irrigation Service	1	EA	450.00	450.00
4	Engineering Revisions	1	LS	1,400.00	1,400.00
				<b><i>Subtotal</i></b>	<b>\$13,550.00</b>
 <b><u>Bow-Out Option</u></b>					
1	City of Lodi Curb Return (375 SF EA)	4	EA	\$1,900.00	\$7,600.00
2	Additional Paving (AC Only)	6	TN	39.00	234.00
3	48" Storm Drain Manhole	2	EA	2,300.00	4,600.00
				<b><i>Subtotal</i></b>	<b>\$12,434.00</b>
<b>Additional Cost for Traffic Circle Installation</b>					<b>\$1,116.00</b>

<sup>(1)</sup> Costs provided by Developer's contractor, Teichert Construction, and engineer, Siegfried Engineering.



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing the City Manager to File the Claim for 2003/04 Transportation Development Act (TDA) Funds in the Amount of \$2,013,810 from the Local Transportation Fund (LTF) and \$5,609 from State Transit Assistance (STA)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution authorizing the City Manager to file the attached claim for the 2003/2004 Transportation Development Act (TDA) funds in the amount of \$2,013,810 from the Local Transportation Fund (LTF) and \$5,609 from State Transit Assistance (STA).

**BACKGROUND INFORMATION:** Each year, the City of Lodi receives an apportionment of TDA funds to support Lodi's transit operations and pedestrian/bicycle costs. These are State transportation funds that are primarily for non-vehicular transportation but can be used on roads if those other needs are being met. They are channeled through the Council of Governments, our regional transportation planning agency. The claim for fiscal year 2003/2004, including pedestrian/bike and 3% for San Joaquin Council of Governments planning, is \$2,013,810 from the LTF and \$5,609 from STA.

The City Council should be aware that our transit operations, Dial-A-Ride and GrapeLine, are fully funded with formula dollars from the Federal Transit Administration (FTA), TDA, and other competitive sources of funds. Transit is not dependent on any General Fund money. We intend to continue to use TDA funds for transit, pedestrian, and bicycle-related projects and maintenance as much as possible.

**FUNDING:** None required.

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager  
RCP/DJC/pmf  
Attachment  
cc: Finance Director  
City Engineer

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

LOCAL TRANSPORTATION FUND

TO: San Joaquin Council of Governments  
6 South El Dorado Street, Suite 400  
Stockton, CA 95202

FROM: City of Lodi

(applicant)

ADDRESS: 221 West Pine Street Lodi, CA 95240

(city, zip)

CONTACT PERSON: Tiffani Fink, Trans Mgr

PHONE: 209-333-6800 x2678

The City of Lodi hereby requests, in accordance with Chapter 1400, Statutes 1971 and applicable rules and regulations, that its annual transportation claim be approved in the amount of \$ 2,013,810 for fiscal year 2003/2004, to be drawn from the Local Transportation Fund.

When approved, please transmit this claim to the County Auditor for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms of the approved annual financial plan.

The claimant certifies that this Local Transportation Fund claim and the financial information contained therein, is reasonable and accurate to the best of my knowledge, and that the aforementioned information indicates the eligibility of this claimant for funds for the fiscal year of the application pursuant to CAC Section 6634 and 6734.

APPROVED:

San Joaquin Council  
of Governments

By: \_\_\_\_\_

JULIA E. GREENE  
Executive Director

Date: \_\_\_\_\_ 20 \_\_\_\_

Applicant: \_\_\_\_\_

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

H. Dixon Flynn  
Title: City Manager

Date: \_\_\_\_\_ 20 \_\_\_\_

STATE TRANSIT ASSISTANCE CLAIM

TO: San Joaquin Council of Governments  
6 South El Dorado Street, Suite 400  
Stockton, CA 95202

FROM: City of Lodi

(applicant)

ADDRESS: 221 West Pine Street Lodi, CA 95240  
(city, zip)

CONTACT PERSON: Tiffani Fink, Trans Mgr PHONE: 209-333-6800 x2678

This claimant, qualified pursuant to Sections 99313.6, 99314.5 and 99314.6 of the Public Utilities Code, hereby requests, in accordance with Chapter 1400, Statutes of 1971 as amended, and applicable rules and regulations, that an allocation be made in the amount of \$ 5,609 for fiscal year 2003/2004, to be drawn from the State Transit Assistance trust fund of San Joaquin County.

Allocation instruction and payment by the County Auditor to this claimant are subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms of the approved claim.

The claimant certifies that this State Transit Assistance Fund Claim and the financial information contained herein, is reasonable and accurate to the best of my knowledge, and that the aforementioned information indicates the eligibility of this claimant for funds for the fiscal year of the application pursuant to CAC Section 6634 and 6734.

APPROVED:

San Joaquin Council  
of Governments

By: JULIA E. GREENE  
Executive Director

Date: 20

Applicant:

Signed:

Name: H. Dixon Flynn

Title: City Manager

Date: 20

## TRANSPORTATION DEVELOPMENT ACT APPORTIONMENTS

### I. Local Transportation Fund Available Apportionment

A.	Area Apportionment 2003/04	<u>\$1,854,008</u>
B.	Pedestrian/Bicycle Apportionment	<u>39,367</u>
C.	Previous Years' Unclaimed Apportionment	<u>61,384</u>
D.	Unexpended Carryover	<u>0</u>
E.	3% for COG Transit Planning	<u>59,051</u>
F.	Total Available for 2003-04 Claims (s)	<u>2,013,810</u>
G.	Less any LTF Already Claimed 2003-04	<u></u>
H.	TOTAL AVAILABLE FOR THIS CLAIM (Also enter on page 9, 1st column)	<u>\$2,013,810</u>
I.	Actual net funds available (H-D-E=I)	<u><u>\$1,954,759</u></u>

### II. State Transit Assistance Fund Available Apportionment

A.	Area Apportionment 2003/04	<u>\$0</u>
B.	Special Operator Apportionment 2003-04	<u>5,327</u>
C.	Previous Years' Unclaimed Apportionment	<u>282</u>
D.	Unexpended Carryover	<u>0</u>
E.	2% for COG Transit Planning	<u></u>
F.	Total Available for 2003-04 Claims (s)	<u>5,609</u>
G.	Less any STA Already Claimed 2003-04	<u>0</u>
H.	TOTAL AVAILABLE FOR THIS CLAIM (Also enter on page 9, 2nd column)	<u>\$5,609</u>
I.	Actual net funds available (H-D-E=I)	<u><u>\$5,609</u></u>

## TRANSPORTATION DEVELOPMENT ACT ALLOCATIONS

<u>Claim Purpose</u>	I. LTF	II. STA
<b>I. PUBLIC TRANSPORTATION</b>		
Article 4 (99260) - Operator <sup>1</sup>	\$0	
CCR Sec 6730(a) Public Transit		\$5,609
Article 8 (99400 ( c ))		
Contractor operating	1,802,392	
Article 8 (99400 ( e ))		
Contractor capital	0	0
Article 8 (99400 ( b ))		
Passenger Rail Service		
Operations & Capital		
<b>TDA Administration - SJCOG</b>	59,051	
<b>II. PEDESTRIAN AND BICYCLE</b>		
Article 3 (99234)	39,367	
<b>III. ROADS AND STREETS</b>		
Article 8 (99400 ( a ))	113,000	0
<b>IV. OTHER</b>		
Article 8 (99400 (b,c,d,e))	0	0
<b>V. LOCAL TRANSPORTATION PLANNING</b>		
Transportation Planning		0
<hr/>		
TOTAL THIS CLAIM	\$2,013,810	\$5,609
TOTAL AVAILABLE FOR THIS CLAIM		
(from page 8, I. H. and II. H.)	\$2,013,810	\$5,609
UNCLAIMED APPORTIONMENT		
(TOTAL AVAIL. Less TOTAL THIS CLAIM)	\$0	\$0

**IMPORTANT:** To avoid accidental overpayment, please identify and itemize in the space below any unexpended carryover included in the amounts being claimed above. Identify the amount of carryover and the purpose for which it is being reclaimed. Attach pages as necessary.

**Unexpended Carryover in TDA Fund being reclaimed for Transit Operations: \$0**

<sup>1</sup> Operators claiming STA funds must meet qualifying criteria (PUC Section 99314.6).  
Page 17 of this form must be completed.

# **PART I - PUBLIC TRANSPORTATION**

PLEASE CIRCLE EITHER:

## FINANCIAL INFORMATION

Article 4 Operator

Article 8 Contractor

	<b>2002-2003</b>	<b>2003-2004</b>
	<b>Actual</b>	<b>Budget</b>
401 Passenger Fares	<u>\$237,937</u>	<u>\$245,000</u>
402 Special Transit Fares		
405 Charter Service Revenue		
406 Auxiliary Transportation Revenues (includes advertising)		<u>0</u>
407 Non-transportation Revenues		
Property Tax		
408 Tax Revenue (Specify:)		
Property Tax		
Sales Tax - Measure K		<u>0</u>
409 Local Grants & Reimbursements	0	
Purchase of Service	0	
Local Transportation Fund (LTF)	<u>1,771,032</u>	<u>1,802,392</u>
410 Local Special Fare Assistance		
411 State Cash Grants and Reimbursements	0	
State Transit Assistance (STA)	<u>7,285</u>	<u>5,609</u>
Other: Interest	<u>0</u>	
Other: Miscellaneous	<u>0</u>	<u>0</u>
412 State Special Fare Assistance		
413 Federal Grants & Reimbursements (Specify) FTA Grants	<u>157,337</u>	<u>286,704</u>
430 Contributed Services (Not Cash)		
440 Subsidy from other Sector of Operations		
TOTAL	<u>\$2,173,591</u>	<u>\$2,339,705</u>

## **II. CAPITAL REVENUE**

464 Capital Grants & Subsidies		
Specify Fed, State, Local:		
<u>Federal</u> <u>5307</u>	<u>400,000</u>	<u>514,912</u>
<u>Air District</u>	<u>0</u>	<u>0</u>
<u>State</u>	<u>0</u>	<u>0</u>
<u>Measure K</u>	<u>0</u>	<u>0</u>
State Transit Assistance (STA)	<u>0</u>	<u>0</u>
Local Transportation Fund (LTF)	<u>0</u>	<u>0</u>
Other		0
TOTAL	<u>\$400,000</u>	<u>\$514,912</u>

**III. OPERATING EXPENSES**

		<b>2002-2003</b>	<b>2003-2004</b>
		<b>Actual</b>	<b>Budget</b>
501	Labor		
	Operators Salaries/Wages	\$0	\$0
	Other Salaries/Wages	<u>63,543</u>	<u>83,680</u>
502	Fringe Benefits	<u>6,101</u>	<u>13,330</u>
503	Services	<u>210,156</u>	<u>181,965</u>
504	Materials/Supplies		
	Fuels/Lubricants	<u>148,457</u>	<u>90,000</u>
	Tires/Tubes	<u>239,953</u>	<u>170,000</u>
	Other	<u>47,661</u>	<u>0</u>
505	Utilities	<u>77,945</u>	<u>27,755</u>
506	Casualty/Liability Costs	<u>95,010</u>	<u>110,000</u>
507	Taxes	<u>250</u>	<u>250</u>
508	Purchased Transportation Service	<u>1,284,515</u>	<u>1,661,979</u>
509	Miscellaneous Expenses	<u>0</u>	<u>746</u>
510	Expense Transfers	<u>0</u>	<u>0</u>
511	Interest Expense	<u></u>	<u></u>
512	Leases and Rentals	<u></u>	<u></u>
513	Depreciation/Amortization		
	Operator Funds	<u></u>	<u></u>
	Grant Funds	<u></u>	<u></u>
	TOTAL	<u>\$ 2,173,591</u>	<u>\$ 2,339,705</u>
<b>IV.</b>	<b>CAPITAL EXPENSES*</b>		0
	Debt Service		
	Land Property Acquisition	<u>0</u>	<u>0</u>
	Vehicles	<u>300,000</u>	<u>150,000</u>
	Construction	<u>0</u>	<u>0</u>
	Other	<u>100,000</u>	<u>364,912</u>
	TOTAL	<u>\$ 400,000</u>	<u>\$ 514,912</u>

\* Allowable capital expenses are limited for Article 8 claimants; see 99400 (e).

OPERATIONAL INFORMATION\*

	Actual FY 2001-02	Actual/Est. FY 2002-03	Proposed FY 2003-04
1. <u>Patronage</u>			
a. Total Passengers	<u>518,805</u>	<u>520,886</u>	<u>540,000</u>
b. Revenue Passengers	<u></u>	<u></u>	<u></u>
c. Youth Passengers	<u></u>	<u></u>	<u></u>
d. Elderly Passengers	<u>48,679</u>	<u>48,305</u>	<u>50,000</u>
e. Handicapped Passengers	<u>Included in the Elderly Passenger Count</u>		
2. <u>Vehicle Miles</u>			
a. Total Vehicle Miles	<u></u>	<u></u>	<u></u>
b. Revenue Vehicle Miles	<u>520,169</u>	<u></u>	<u></u>
3. <u>Revenue Vehicle Hours</u>	<u>45,127</u>	<u>48,788.58</u>	<u>50,000</u>
4. <u>Revenue Vehicle Fuel Consumption</u>			
a. Diesel	<u></u>	<u></u>	<u></u>
b. Gasoline	<u></u>	<u></u>	<u></u>
5. <u>Fare Structure</u>			
a. Base	<u>.50/ 2.00</u>	<u>.50/ 2.00</u>	<u>.50/ 2.00</u>
b. Zone	<u></u>	<u></u>	<u></u>
c. Youth	<u></u>	<u></u>	<u></u>
d. Senior	<u>.25/ 1.00</u>	<u>.25/ 1.00</u>	<u>.25/ 1.00</u>
e. Handicapped	<u>.25/ 1.00</u>	<u>.25/ 1.00</u>	<u>.25/ 1.00</u>
f. Monthly Pass	<u>\$20 General/ \$10 Senior/ Disabled/ Medicare</u>		
g. Other	<u></u>	<u></u>	<u></u>
h. Average Fare	<u>.30/ 1.36</u>	<u>.30/ 1.36</u>	<u>.30/ 1.36</u>

\*Attach additional pages as necessary to alter or complete description

# THREE YEAR FISCAL PLAN

	2003-04	2004-2005	2005-2006
Operating Expenses	\$ <u>2,338,959</u>	\$ <u>2,515,659</u>	\$ <u>2,600,000</u>
Operating Revenues:			
Sources: LTF	\$ <u>1,802,392</u>	\$ <u>1,700,000</u>	\$ <u>1,750,000</u>
STA	<u>5,609</u>	<u>5,000</u>	<u>5,000</u>
Federal	<u>286,704</u>	<u>660,000</u>	<u>595,000</u>
Fares	<u>245,000</u>	<u>250,000</u>	<u>250,000</u>
General Fund	<u>0</u>	<u>0</u>	<u>0</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>
Total	\$ <u>2,339,705</u>	\$ <u>2,615,000</u>	\$ <u>2,600,000</u>
Capital Expenses	\$ <u>514,912</u>	\$ <u>440,000</u>	\$ <u>500,000</u>
Capital Revenue			
Sources: LTF	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
STA	<u>0</u>	<u>0</u>	<u>0</u>
Federal	<u>514,912</u>	<u>440,000</u>	<u>500,000</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>
Total	\$ <u>514,912</u>	\$ <u>440,000</u>	\$ <u>500,000</u>

**FLEET INVENTORY**  
(Transit Vehicle Owners Only)

Make & Model	Year	# of Vehicles	Fuel Type	Standard Seat Capacity	# Wheel-chair Positions	Ramp (y/n)	Lift (y/n)
CNG DAR Buses	2001	6	CNG	48	24	n	y
NABI Low Floor	2000	5	CNG	185	10	y	n
Amtrans Senator	1991	1	CNG	33	2	n	y
Ford Senator	1996	2	UNL	44	10	n	y
Ford Senator	1996	3	UNL	66	6	n	y
Ford E-350	1995	5	CNG	16	10	n	y
Ford E-350	1995	2	CNG	16	4	n	y
Dupont Trolley	2001	1	CNG	37	2	n	y
TOTAL	NA	25	NA	445	66		

Vehicles to be Purchased in FY 2003-2004

No vehicles are scheduled for purchase.							

## ARTICLE 4 OPERATOR TDA REQUIREMENTS

### 1. Fare Ratio/Local Support Requirements

All Article 4 claimants are required to maintain a specified ratio of fare revenue to operating cost. In addition, SMART only is required to maintain a ratio of fare revenue plus local support to operating cost of 32%. See 99263.2 - 99268.19 for details and exemptions pertaining to ratios.

A. What is this system's required farebox recovery ratio?  
\_\_\_\_\_

B. Does the attached budget demonstrate that this system will meet its required farebox recovery and for SMART its farebox plus local support ratios? \_\_\_\_\_

C. Has this system utilized its grace year? \_\_\_\_\_

D. Has this system been in non-compliance with its required ratio? \_\_\_\_\_

If yes, identify the year or years \_\_\_\_\_

### 2. Extension of Service/New Service

An extension of service or new service is exempt from the required farebox and local support ratios if:

A. The extension of service or new service has been in operation for less than two full fiscal years. The two-year extension of services exclusion applies until two years after the end of the fiscal year in which the extension of services was put into operation.

B. The claimant submits a report on the extension of services to the COG within 90 days after the end of the fiscal year. (For details of the report, see 6633.8(b)).

Is an extension of service/new service being claimed? \_\_\_\_\_

If so, has the required report been submitted for the most recently completed full fiscal year? \_\_\_\_\_ If not, that report must accompany this claim.

### 3. Operator's STA Qualifying Criteria (99314.6) EXPLANATION

A transit operator must meet one of two efficiency standards before STA funds may be allocated for operating purposes:

- A) The operator's operating cost per revenue vehicle hour, in the latest year for which audited data are available, must not exceed the sum of the preceding year's operating cost per revenue vehicle hour and an amount equal to the change in the Consumer Price Index (CPI)<sup>†</sup> multiplied by the preceding year's operating cost per revenue vehicle hour. The formula below accomplishes this exercise:

$$(\text{opcost/RVH})\text{FY02} \leq [(\text{opcost/RVH})\text{FY01}] * [1.0246] \quad \text{OR}$$

- B) The operator's average operating cost per revenue vehicle hour, in the latest three years for which audited data are available, must not exceed the sum of the average of the operating cost per revenue vehicle hour for the three years preceding the latest year for which audited data are available and an amount equal to the average change in the CPI for the same period. The formula below accomplishes this exercise:

$$\text{AVG}(\text{opcost/RVH})\text{FY00,01,02} \leq \{\text{AVG}(\text{opcost/RVH})\text{FY99,00,01}\} * \{1.0439\}$$

As used here, Operating Costs are defined by PUC Section 99247:

*All costs in the operating expense object classes exclusive of the costs in the depreciation and amortization expense object class, and exclusive of all direct costs for providing charter services, and exclusive of all vehicle lease costs.*

STA allows for other exclusions, to be granted by the COG, if deemed appropriate. These additional operating cost exclusions include:

- 1) Exclusion of cost increases beyond the change in the CPI for fuel, alternative fuel programs, insurance, or state and federal mandates.
- 2) Exclusion of start-up costs for new services for a period of not more than two years (refer to PUC Section 99268.8 for a definition of new service).

If you wish to claim these exclusions when calculating the operation cost per revenue vehicle hour, you must state the request and show calculations in support of the cost to be excluded.

---

<sup>†</sup> Percentage change across fiscal years using the California CPI.

Pursuant to PUC Section 99314.6 (c), funds withheld from allocation to an operator for failure to meet the STA efficiency criteria will be retained by COG for reallocation to that operator for two years following the year of ineligibility. Any STA funds not allocated before the commencement of the third year following the year of the eligibility shall be reallocated to cost effective, high priority regional transit activities, as determined by the COG.

The following documents pertain to the new STA efficiency standards and are available at your request:

PUC Section 99314.6, also known as Chapter 35 Statutes of 1991 (SB 3-Kopp).

The Uniform System of Accounts for Public Transit Operators.

Consumer Price Index Data for California, January, 1981 through October, 2002.

Transportation Development Act Audit Reports, FY 1992 through FY 2002.

Please complete the attached worksheet to determine if you fully qualify for your STA apportionment. TDA Audit reports will address this efficiency criteria.

### 3 Operator's STA Qualifying Criteria (99314.6) - WORKSHEET

FISCAL YEAR: (use audited data)	2000-01	2001-02	2002-03	2003-04
A. Operating Cost	_____	_____	_____	_____
B. Operating Cost Exclusions:				
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
C. Adjusted Operating Cost (A-B)	_____	_____	_____	_____
D. Revenue Vehicle Hours (RVH)	_____	_____	_____	_____
E. RVH Exclusions:				
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
(if more, show on separate sheet)				
F. Adjusted RVH (D-E)	_____	_____	_____	_____
G. Operating Cost per RVH (C÷F)	W	X	Y	Z

Efficiency Standard 1:

Z must be less than or equal to  $(Y) * (1.0246)$

Show calculation: \_\_\_\_\_

Efficiency Standard 2:

$[(X+Y+Z) \div 3]$  must be less than or equal to  $<(W+X+Y) \div 3> * (1.0439)$

Show calculation: \_\_\_\_\_

=====For COG use only=====

Operator qualifies under:	Standard 1	Yes _____	No _____
	Standard 2	Yes _____	No _____

=====

4. Fifteen Percent Expenditure Increase (6632)

If any of the line items on the attached budget exceed by more than 15% the expenditure for that same item in the previous year's budget, then an explanation for that increase must be given below. Attach an extra page if necessary.

5. Narrative Description (6632)

Please describe in the space below any changes in service characteristics from the previous fiscal year. This should specifically include any substantial increase or decrease in the geographic area served, major changes to the scope of operations, or addition of major new fixed facilities. Please attach an additional page if necessary.

6. Certification by the California Highway Patrol (6632)

Please attach a certification from the CHP verifying that the operator is in compliance with Section 1808.1 of the California Vehicle Code. This section concerns the "Driver's Pull Notice participation"

Is a Certificate Attached? Yes \_\_\_\_\_ No \_\_\_\_\_

SPECIAL NOTES FOR RATIO CALCULATIONS

SMART - Exclude certain costs and fares as specified in the most recent Compliance Audit Report.

## Article 8 Contractor TDA Requirements

For contracted transportation service providers, the San Joaquin Council of Governments' Executive Board has waived the farebox and local support ratios as it is empowered to do by 99405(c). The COG Board has established a two-step process.

NOTE: Contributing claimants should proceed to page 23.

### 1. Match Requirement

For any Article 8 transit claim, no more than 90% of the total operating funds (minus depreciation) in the budget may be TDA (LTF and STA) derived. The ten percent or more matching funds may come from any other source available to the claimant besides TDA.

### 2. Operating Cost Per Passenger Objective

To receive an amount of TDA operating funds (LTF and STA combined) in excess of what was claimed the previous fiscal year, the claimant must establish an operating cost per passenger objective for the fiscal year of the claim. "Operating cost" is defined as in the TDA statutes and regulations. The objective should be a realistic one based on current and past system performance, but should be low enough to represent an "improvement" when warranted. The COG Board will adopt the system-wide operating cost per passenger objective for the fiscal year of the claim. Operating cost per passenger objectives must be established by November of each fiscal year.

If the system failed to meet its operating cost per passenger objective in the fiscal year prior to the fiscal year of the claim, then the claimant is only eligible to file a claim for the level of TDA operating funding received in that prior fiscal year. In the case of a unified transit system, each claimant would be limited to the prior year's level of TDA operating funding. If a system wishes to be eligible for increased TDA operating funding in a future fiscal year, then the claimant should identify an operating cost per passenger objective.

a. What was the level of TDA operating funding received in the previous fiscal year for this system by this claimant (LTF plus STA)? \$ 1,771,032

b. Does the attached budget information demonstrate at least a 10% match of non-TDA funds in FY 2001-02? yes

Does the FY 2002-2003 budget demonstrate a 10% match of non-TDA funds? yes

- c. Is this claim requesting more TDA operating funds than were received for this system by this claimant in the previous fiscal year? no
- d. If yes, did the system meet its operating cost per passenger objective in the previous fiscal year? yes  
(An affirmative answer should be documented in Part "e".)
- e. What was the last year's Operating Cost per Passenger Objective? \$6.50

What was the actual operating cost per passenger?

i.	FY 2002-2003 Operating Cost	\$ <u>2,173,591.37</u>
ii.	Total Passengers	<u>520,886</u>
iii.	Operating Cost Per Passenger (i / ii)	\$ <u>4.17</u>

- f. What is the Operating Cost per Passenger Objective for this claim?

iv.	Budgeted Operating Cost	\$ <u>2,338,959</u>
v.	Estimated Total Passengers	<u>540,000</u>
vi.	Projected Operating Cost per Passenger (iv/v)	\$ <u>4.33</u>
vii.	FY 2003-2004 OPERATING COST PER PASSENGER OBJECTIVE	\$ <u>8.65</u>

THE PROJECTED 03-04 OPERATING COST PER PASSENGER (vi) MUST BE LESS THAN OR EQUAL TO THE 03-04 OPERATING COST PER PASSENGER OBJECTIVE (vii)!

- viii. If this claim is for a unified transit system <sup>2</sup>, has the contributing claimant been appraised of the planned system-wide objective set in vii. above?  
N/A

---

<sup>2</sup> If this claim is for a unified transit system (definition page 23), all calculations and numbers for operating costs per passenger must include system totals.

3. Fifteen Percent Expenditure Increase (6632)

If any of the line items on the attached budget exceed by more than 15% the expenditure for that same item in the previous year's budget, then an explanation for that increase must be given below. Attach an additional page if necessary.

The additional expenditure to the Transit Administration sublet service accounts was due to the addition for Security at Lodi Station and Lodi Station Parking Structure.

4. Narrative Description (6632)

Please describe below any changes in service characteristics from the previous fiscal year. This should specifically include any substantial increase or decrease in the geographic area served, major changes to the scope of operations, or addition of major new fixed facilities.

Operations costs saw an increase of almost \$175,000 this year due to the additional operations costs associated with the Parking Structure, Security, as well as electric and cleaning.

## ARTICLE 8 CONTRACTOR TDA REQUIREMENTS (CONTRIBUTING CLAIMANTS)

In the case of a "unified transit system," this page is to be used by the "contributing claimant" rather than pages 20 through 22. A "unified transit system" is defined as one that has the same fare structure throughout the service area, but whose TDA expenses are claimed separately by two different TDA claimants. Additionally, to qualify as a unified transit system, all system TDA funding must be claimed under Article 8 (both claimants). "Contributing claimant" is defined as the claimant contributing a minority of the unified transit system's TDA funds. The claimant furnishing the majority of TDA funds is defined as the "primary claimant."

Currently, the following local transit services qualify as unified transit systems:

### FY 2003-2004 Unified Transit Systems      This Page Used by:

Tracy Trans	SMART
Tracy Taxi	SMART
Escalon Public Transit System	SMART
Manteca Dial a Ride	SMART
Lathrop	SMART

"Contributing claimants" need to answer the following questions:

1. Systemwide operating cost per passenger objective for FY 2003-2004 identified in primary claimant's adopted transit claim  
(from that claim, page 21, (2) f. vii.) \_\_\_\_\_
2. Date of primary claimant's adopted transit claim (or anticipated future date, if not yet adopted)  
\_\_\_\_\_

### IMPORTANT:

The operating cost per passenger objective identified above (page 21, (2) f. vii) will be applied uniformly to the total of City and SMART TDA funds used by the unified transit system, to determine eligibility for increased TDA funding as explained on page 20. Separate calculations will not be done for City and SMART.

PART II - PEDESTRIAN AND BICYCLE PROJECTS

LOCAL TRANSPORTATION FUND

Project Title & Description	Project Limits	<u>LTF Cost</u> Total Cost
New Sidewalk Installation		36,000 total cost
Downtown Improvements	School Street to Sacramento	15,000 Total cost
Alley Reconstruction		30,000 Total Cost
	<u>LTF Cost</u> Total Cost	: : 39,367 LTF Cost

(Use additional pages if necessary)

## PART III - ROAD AND STREET PROJECTS

Please provide the requested information for each project being identified for Transportation Development Act funding.

## LOCAL TRANSPORTATION FUND

[illegible]

(Use additional pages if necessary)

#### PART IV - OTHER PURPOSES

It is possible that a claimant may wish to expend TDA funds for purposes allowed within the Act, but not covered by the three previous parts. TDA funds may be claimed under Article 8 consistent with section 99400 of the TDA. To complete this section, on attached pages, identify:

- i. Project title
- ii. Applicable subdivision of section 99400
- iii. Project description
- iv. Estimated total cost
- v. TDA contribution to that total

A separate page or pages should be submitted for each specific project or purpose.

It is **strongly recommended** that the claimant consult with COG staff before completing this section.

M:\TDA\TDA-04\tdacim04.wpd  
March 12, 2003 (3:00PM)

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE  
CITY MANAGER TO FILE THE 2003-04 CLAIM FOR  
TRANSPORTATION DEVELOPMENT ACT (TDA) FUNDS  
ON BEHALF OF THE CITY OF LODI

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the City 2003-04 Transportation Development Act (TDA) claim for Local Transportation Funds (LTF) in the following amounts:

\$2,013,810.00 Transportation Development Act (TDA) funds

\$ 5,609.00 State Transit Assistance (STA)

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the claim on behalf of the City of Lodi.

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Authorize the City Manager to Sign the Inter-County Hazardous Materials Response Team Agreement

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Michael E. Pretz, Fire Chief

---

**RECOMMENDED ACTION:** That Council authorizes the City Manager to sign the Inter-County Hazardous Materials Response Team Agreement.

**BACKGROUND INFORMATION:** In December 2002, San Joaquin County entered into an agreement between Amador and Stanislaus Counties to provide Hazardous Materials Response. The San Joaquin Hazardous Materials Response Team is made up of members from throughout the County and participating cities. The City of Lodi Fire Department is one of those participating members. Attached to this council communication is a copy of the agreement. The agreement is a cooperative agreement and will allow the City of Lodi to recoup its costs for providing this service should it be needed. The agreement is a 10 year agreement and allows the City of Lodi to withdraw with 30 days notice should it desire.

It is staff's recommendation that Council authorize the City Manager to sign the agreement.

**FUNDING:** None

---

Michael E. Pretz, Fire Chief

MEP/lh

cc: D. Stephen Schwabauer, Interim City Attorney

Attachment

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA

IN THE MATTER OF:

RESOLUTION APPROVING AGREEMENT )  
FOR PARTICIPATION IN THE CENTRAL )  
VALLEY HAZARDOUS MATERIALS )  
RESPONSE SYSTEM )

RESOLUTION NO. 04-096

BE IT RESOLVED by the Board of Supervisors of the County of Amador, State of California, that said Board does hereby approve the agreement by and between the County of Amador and the County of San Joaquin, City of Stockton, City of Lodi, City of Tracy, City of Manteca, City of Ripon, Lathrop-Manteca Rural County Fire Protection District, Ripon Consolidated Fire District, Woodbridge Rural Fire Protection District, Linden-Peters Rural County Fire Protection District, Mokelumne Rural Fire Protection District, Clements Rural Fire Protection District, and Escalon Consolidated Fire Protection District; and

BE IT FURTHER RESOLVED that the Chairman of said Board is hereby authorized to sign and execute said agreement on behalf of the County of Amador.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 9th day of March 2004, by the following vote:


AYES: Richard M. Forster, Rich F. Escamilla, Richard P. Vinson, and Louis D. Boitano

NOES: None

ABSENT: Mario Biagi

THE FOREGOING INSTRUMENT IS  
A CORRECT COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

  
Vice-Chairman, Board of Supervisors

ATTEST: MAR 10 2004  
  
Deputy Clerk of the Board of Supervisors  
Amador County, California

ATTEST:

MARDELL ANDERSON, Clerk of the  
Board of Supervisors, Amador County,  
California

  
Deputy

# Before the Board of Supervisors

County of San Joaquin, State of California

B- 02-1532

MOTION: SIEGLOCK/GUTIERREZ

## AGREEMENT FOR PARTICIPATION IN CENTRAL VALLEY HAZARDOUS MATERIALS RESPONSE SYSTEM

THIS BOARD OF SUPERVISORS DOES HEREBY AUTHORIZE the Chairman to  
sign the Agreement for Participation in Central Valley Hazardous Materials Response System  
with Amador and Stanislaus Counties for hazardous materials emergency response services.

I HEREBY CERTIFY that the above order was passed and adopted on 12/3/02  
by the following vote of the Board of Supervisors, to wit:

AYES: ORNELLAS, SIEGLOCK, GUTIERREZ, MARENCO, MOW

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

LOIS M. SAHYOUN  
Clerk of the Board of Supervisors  
County of San Joaquin  
State of California



LOIS M. SAHYOUN

A-02- 1166

AGREEMENT FOR PARTICIPATION IN  
CENTRAL VALLEY HAZARDOUS MATERIALS RESPONSE SYSTEM

-----

This AGREEMENT is made this \_\_\_\_\_ day of DEC 3 2002, 2002, by and between the COUNTY OF STANISLAUS (hereinafter "STANISLAUS"), a political subdivision of the State of California, the COUNTY OF AMADOR (hereinafter "AMADOR"), a political subdivision of the State of California, and the COUNTY OF SAN JOAQUIN, CITY OF STOCKTON, CITY OF LODI, CITY OF TRACY, CITY OF MANTECA, CITY OF RIPON, LATHROP-MANTECA RURAL COUNTY FIRE PROTECTION DISTRICT, RIPON CONSOLIDATED FIRE DISTRICT, WOODBRIDGE RURAL FIRE PROTECTION DISTRICT, LINDEN-PETERS RURAL COUNTY FIRE PROTECTION DISTRICT, MOKELUMNE RURAL FIRE PROTECTION DISTRICT, CLEMENTS RURAL FIRE PROTECTION DISTRICT, and ESCALON CONSOLIDATED FIRE PROTECTION DISTRICT (hereinafter "SAN JOAQUIN JOINT HAZARDOUS MATERIALS TEAM").

RECITALS

WHEREAS, the potential continues to grow in the Central Valley and adjacent foothill areas for serious releases of hazardous materials which could strain the ability of local hazardous materials technical response systems to effectively handle;

WHEREAS, the ability of jurisdictions to effectively assist each other with hazardous materials technical resources depends upon the existence of an ongoing operational relationship; and,

WHEREAS, the cost of maintaining the capability to effectively respond to serious hazardous materials releases can be reduced through a cooperative effort by counties, cities, and special districts in the Central Valley and foothill region.

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms and conditions hereinafter set forth, the parties hereby agree as follows:

ARTICLE 1. COOPERATIVE HAZARDOUS MATERIALS RESPONSE

Each party agrees to:

1. Respond one (1) Type 1 Hazardous Materials Company to a serious hazardous materials incident upon the request of a Requesting Party, provided, however, that such response would not cause that party to fail to respond, meet or address an occurring or potential, serious threat to the health, safety, environment, or welfare of the public within its own jurisdiction.

2. Respond such resources as it may possess that can perform mass decontamination operations, at the request of a Requesting Party, provided, however, that such response would not cause that party to fail to respond, meet or address an occurring or potential, serious threat to the health, safety, environment, or welfare of the public within its own jurisdiction.

3. If a Requesting Party does not possess at least one (1) Type 1 Hazardous Materials Company capable of responding upon the request of a Responding Party, the Requesting Party will pay the costs of the response of Type 1 Hazardous Materials Companies and/or resources capable of performing mass decontamination operations possessed by Responding Party into its jurisdiction as follows:

(a) Subject to Subparagraph (d) below, actual wages and benefits of responding personnel calculated from the time of dispatch to the incident, whether from the duty station or home of the responding personnel, until the time when equipment and personnel are returned to normal readiness condition, including response time, on-scene activities, and clean up activities, and

(b) Direct costs of consumable equipment and supplies used in responding, and

(c) A fee of Seventy-five Cents (\$0.75) per mile for each responding vehicle, calculated from the point of departure upon dispatch to the return to duty stations.

(d) A minimum fee of Five Hundred Dollars and No Cents (\$500.00) or the costs

incurred per Paragraphs (a), (b), and (c) above, whichever is higher, for any single response when, after dispatch, the responding party personnel and equipment leave their duty station or quarters.

#### ARTICLE 2. REIMBURSEMENT FOR EXTENDED RESPONSE

Requesting Parties not subject to Article 1, Paragraph 3, shall upon completion of the 24th hour from the time of initial dispatch of resources from a Responding Party to an individual incident pay actual wages and benefits of personnel that continue to perform services under this Agreement from that point in time as well as direct costs of consumable equipment and supplies used after the 24th hour from the time of initial dispatch of resources from the Responding Party.

#### ARTICLE 3. PROVISION OF COMMAND AND SUPPORT

Requesting Party further agrees to:

1. Provide authorized personnel to assume command and control for their jurisdiction of each incident to which resources of Responding Party are dispatched.
2. Provide personnel trained and equipped to perform responder decontamination for Type I Hazardous Materials Company personnel and equipment.
3. Assume responsibility for monitoring clean up and abatement activities once the situation is stabilized.
4. Provide food, fluids, and fuel as needed for personnel of Responding Party at no charge.
5. Not intentionally direct or cause resources of other parties to this Agreement to violate written policies and procedures of their jurisdiction.
6. Not direct or cause resources of other parties to this Agreement to be engaged in arranging for, or performing, clean up or proper disposal of hazardous materials/waste.

#### ARTICLE 4. ESTABLISHMENT OF OPERATIONAL RELATIONSHIP

A Central Valley Hazardous Materials Response System Steering Committee is hereby established which consists of one representative of each of the parties to this Agreement. It will be

the responsibility of this committee to conduct at least a biennial meeting to verify call out and dispatch procedures, establish training and response criteria for hazardous materials technical resources governed by this Agreement, establish common response policies and procedures to the extent practicable, plan and coordinate the annual joint training session, monitor compliance by parties to this Agreement, and establishment such other policies and procedures as may benefit the smooth execution of this Agreement.

Each party to this Agreement shall participate in an annual joint training session intended to develop operational relationships and inter-agency familiarity. Parties not capable of responding a Type 1 Hazardous Materials Company shall participate in this annual training session with such personnel as may direct, call out, or cooperate with responding Type 1 Hazardous Materials Companies of other parties.

#### ARTICLE 5.     TERMS AND DEFINITIONS

Type 1 Hazardous Materials Company will be defined as 8 personnel certified by the State of California as Hazardous Materials Technician or Specialist responders capable of handling unknown hazardous materials to include 1 each hazardous materials group supervisor, 1 each assistant safety officer hazardous materials, 1 each entry team leader, 1 each decon team leader, 2 each entry team members, and 2 each back up entry team members. Minimum equipment will include all levels of personal protective equipment up to Level A fully encapsulating suits and self contained breathing apparatus, detection equipment to include a field categorization kit, air modeling software, and containment equipment capable of plugging and/or patching vapor leaks and/or intervening with large fluid leaks.

#### ARTICLE 6.     TERM OF AGREEMENT

This Agreement shall automatically terminate in the year 2012 on the day and month first hereinabove mentioned; provided, however, that the term of this Agreement may be extended from year-to-year on the same terms and conditions as set forth herein upon the mutual consent of the parties, including any additional parties to the Agreement. Any party may withdraw from this

Agreement upon 30-day written notice to the other party or parties.

ARTICLE 7.     ADDITIONAL PARTIES

Additional parties public entities, including special districts, may join in this Agreement and become member entities upon execution of an Exhibit to this Agreement in which the entity agrees to be subject to the conditions and terms of this Agreement. The executed Exhibit shall automatically become part of this Agreement after the expiration of thirty days notification to all other parties by the new party. Within the thirty day notification period, any existing party to the Agreement who objects to the addition of the particular entity becoming a member to the Agreement must give notice to all parties of the Agreement. If such objection is given to all parties within the thirty day period, the inclusion of the new party to the Agreement shall require the unanimous consent of the rest of the then member parties.

ARTICLE 8.     INDEMNIFICATION AND HOLD HARMLESS

Each party agrees to indemnify, defend, hold harmless, and provide for attorney's fees and court costs in the event that there is a claim of any type against the requested party concerning the activity of the requesting party under this Agreement. Provided, however, this paragraph shall not apply to those acts which are the negligence or the omission to act of the requested party, their employees or agents.

ARTICLE 9.     SALARIES, EMPLOYMENT, AND WORKER'S COMPENSATION

At all times and for all activities under this Agreement, the employees for the requested party shall remain and be considered employees of that party and not that of the requesting party, and shall be considered employees of the requested party for any type of insurance coverage including, but not limited to, Worker's Compensation coverage. At all times and for all activities under this Agreement, the employees for the requesting party shall remain and be considered employees of that party and not that of the requested party, and shall be considered employees of the requesting party for any type of insurance coverage including, but not limited to, Worker's Compensation coverage.

IN WITNESS WHEREFORE THE PARTIES HAVE EXECUTED THIS AGREEMENT AS  
FOLLOWS:

ATTEST: MARDELL ANDERSON  
Clerk of the Board of Supervisors  
of the County of Amador,  
State of California

By Priscilla Muranaga  
Deputy

COUNTY OF AMADOR, a  
political subdivision of the State of  
California

By Richard M. Forster  
Richard M. Forster, Vice-Chairman  
Board of Supervisors

"AMADOR"

ATTEST:  
Clerk of the Board of Supervisors  
of the County of Stanislaus,  
State of California

By \_\_\_\_\_

COUNTY OF STANISLAUS, a  
political subdivision of the State of  
California

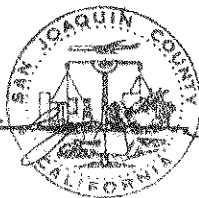
By \_\_\_\_\_

"STANISLAUS"

SAN JOAQUIN JOINT  
HAZARDOUS MATERIALS  
TEAM

ATTEST: LOIS M. SAYOUN  
Clerk of the Board of Supervisors  
of the County of San Joaquin,  
State of California

By Lois M. Sayoun



COUNTY OF SAN JOAQUIN, a  
political subdivision of the  
State of California

By Victor Mow  
Victor Mow, Chairman  
Board of Supervisors

APPROVED AS TO FORM:

By Lawrence P. Meyers

LAWRENCE P. MEYERS  
Deputy County Counsel

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF LODI

By \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

**Approved as to form**

CITY OF TRACY

  
City Attorney

By \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

  
City Clerk



CITY OF STOCKTON

By 

Title City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF MANTECA

By \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

CITY OF RIPON

By \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

\_\_\_\_\_

LATHROP-MANTECA FIRE  
PROTECTION DISTRICT

By \_\_\_\_\_

Title \_\_\_\_\_

APPROVED AS TO FORM

CITY ATTORNEY

BY 

Assistant City Attorney

ATTEST:

\_\_\_\_\_

WOODBIDGE RURAL FIRE  
PROTECTION DISTRICT

By *Richard W. White*

Title *FIRE CHIEF*

ATTEST:

\_\_\_\_\_

RIPON CONSOLIDATED FIRE  
DISTRICT

By *[Signature]*

Title *Fire Chief*

ATTEST:

\_\_\_\_\_

MOKELUMNE RURAL FIRE  
PROTECTION DISTRICT

By \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

\_\_\_\_\_

LINDEN-PETERS RURAL  
COUNTY FIRE PROTECTION  
DISTRICT

By \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

\_\_\_\_\_

CLEMENTS RURAL FIRE  
PROTECTION DISTRICT

By \_\_\_\_\_

Title \_\_\_\_\_

ATTEST:

\_\_\_\_\_

ESCALON CONSOLIDATED FIRE  
PROTECTION DISTRICT

By \_\_\_\_\_

Title \_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt a resolution authorizing the City Manager to allocate various funds for the Lodi CARE Package Program; and to execute a contract with the Salvation Army to administer the program (\$105,000)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution authorizing the City Manager to allocate various funds for the Lodi CARE Package Program; and to execute a contract with the Salvation Army to administer the program.

**BACKGROUND INFORMATION:** In partnership with the Lodi Salvation Army, Central Valley Waste, the City of Lodi Public Works and Finance departments, the City of Lodi Electric Utility has developed the Lodi CARE (Customer Assistance & Relief on Energy) Program\*.

The Lodi CARE Package is designed to provide assistance to Lodi families- who are below the current federal income guidelines- in the payment of their City of Lodi utility bill. Specifically, the Lodi CARE Package will provide a relief payment of \$125.00 (maximum) for eligible families. Other program specifics include:

- a family in need will be interviewed by staff of the Lodi Salvation Army, and must meet eligibility requirements (*please see attached Exhibit "A"- Eligibility Requirements*);
- if approved by staff from the Lodi Salvation Army at their Lockeford Street offices, the Lodi Salvation Army will then notify the City of Lodi Finance Department of eligible customer name, and amount of relief payment; City of Lodi Finance staff will input appropriate payment data in customer's account;
- the Salvation Army will also notify the City of Lodi Electric Utility Department of approved customers; these customers will automatically be enrolled in the Lodi Energy Audit Program, and receive a free, in-home energy audit (Electric Utility staff will also deliver important customer information regarding water conservation and services available through Central Valley Waste);
- customers are eligible for a maximum grant of \$125 every six months;
- a new set of income guidelines has been developed for this program, which the Lodi Salvation Army will utilize as a part of the customer eligibility screening process (*please see attached Exhibit "B"*).

As mentioned above, several entities are partnering to ensure success of this program. Below is a listing of those agencies/departments, and the financial resources committed by each to fund this effort:

- Central Valley Waste, \$15,000 (this contribution will fund the refuse relief component);

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

- City of Lodi Electric Utility, \$60,000 (this contribution will fund the program administration, customer outreach & material preparation costs, as well as the electric utility relief component);
- City of Lodi Public Works, \$30,000 (this contribution will fund the water and wastewater relief components);
- City of Lodi Finance Department;
- Lodi Salvation Army.

The Lodi CARE Package has been created to assist families in crisis. The relief payments are designed to provide a level of assistance during their hardship. The \$125 maximum relief payment was developed following careful research by City of Lodi staff. It was determined that a customer- *currently participating in the City's low-income electric utility rate discount program (known as the SHARE Program)* – had an average utility bill of \$120 per month. The Lodi CARE Package Program is being provided to customers in need, solely as a hand-up, rather than a hand-out, during their difficult financial time.

Also by way of this Council action, city staff is recommending approval of a contract with the Salvation Army. The Salvation Army has been selected to administer the program, and provide the necessary customer screening services at their offices located on Lockeford Street here in Lodi. The Salvation Army currently administers similar programs for the State of California and Pacific Gas & Electric Company (*please see attached "Contract"*). Electric Utility staff will serve as the City of Lodi's point of contact for the program, frequently meeting with Salvation Army staff on document filing, customer follow-up, management of the budget, etc.

Electric Utility, Finance and Public Works staff, in conjunction with Central Valley Waste and the Lodi Salvation Army, respectfully recommend approval of these funds, as well as execution of the contract, to implement the Lodi CARE Package Program.

*\*The Lodi CARE Package Program was initially presented to the Lodi City Council during a Shirtsleeve Session on Tuesday, May 4, 2004.*

**FUNDING:** 164606 Public Benefits (Category: Low-Income Services); \$60,000  
Water Fund \$15,000 Sewer Fund \$15,000

**Funding Approval:**

\_\_\_\_\_  
Ruby Paiste  
Acting Finance Director

\_\_\_\_\_  
Richard Prima  
Public Works Director

\_\_\_\_\_  
Alan N. Vallow  
Electric Utility Director

**PREPARED BY:** Rob Lechner, Manager of Customer Services & Programs

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE  
CITY MANAGER TO ALLOCATE VARIOUS FUNDS FOR THE LODI  
CARE PACKAGE PROGRAM, AND FURTHER AUTHORIZING THE  
CITY MANAGER TO EXECUTE A CONTRACT WITH THE  
SALVATION ARMY TO ADMINISTER THE PROGRAM

=====

WHEREAS, the Lodi CARE Package Program is designed to provide assistance to Lodi families who are below the current federal income guidelines in the payment of their City of Lodi utility bill; and

WHEREAS, specifically, the Lodi CARE Package Program will provide a relief payment of \$125.00 maximum for eligible families, and other program specifics include the following:

- a family in need will be interviewed by staff of the Lodi Salvation Army, and must meet eligibility requirements (*please see attached Exhibit "A"- Eligibility Requirements*);
- if approved by staff from the Lodi Salvation Army at their Lockeford Street offices, the Lodi Salvation Army will then notify the City of Lodi Finance Department of eligible customer name, and amount of relief payment; City of Lodi Finance staff will input appropriate payment data in customer's account;
- the Salvation Army will also notify the City of Lodi Electric Utility Department of approved customers; these customers will automatically be enrolled in the Lodi Energy Audit Program, and receive a free, in-home energy audit (Electric Utility staff will also deliver important customer information regarding water conservation and services available through Central Valley Waste);
- customers are eligible for a maximum grant of \$125 every six months;
- a new set of income guidelines has been developed for this program, which the Lodi Salvation Army will utilize as a part of the customer eligibility screening process (*please see attached Exhibit "B"*).

WHEREAS, several entities are partnering to ensure success of this program, and listed below are the agencies/departments, and the financial resources committed by each to fund this effort:

- Central Valley Waste, \$15,000 (this contribution will fund the refuse relief component);
- City of Lodi Electric Utility, \$60,000 (this contribution will fund the program administration, customer outreach & material preparation costs, as well as the electric utility relief component);

- City of Lodi Public Works, \$30,000 (this contribution will fund the water and wastewater relief components);
- City of Lodi Finance Department;
- Lodi Salvation Army.

WHEREAS, staff recommends approval of a contract with the Salvation Army to administer the program, and provide the necessary customer screening services at their offices located on Lockeford Street in Lodi, with the Electric Utility staff serving as the City's point of contact for the program, frequently meeting with Salvation Army staff on document filing, customer follow-up, management of the budget, etc.; and

WHEREAS, Electric Utility, Finance and Public Works staff, in conjunction with Central Valley Waste and the Lodi Salvation Army, recommend approval of these funds, as well as execution of the contract, to implement the Lodi CARE Package Program.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to allocate various funds for the Lodi Care Package Program, in the amount of \$105,000; and

BE IT FURTHER RESOLVED, that the City Manager is authorized and directed to execute a contract with the Salvation Army to administer the program.

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_

# **Lodi CARE Package**

## **EXHIBIT “A”**

### **Eligibility Requirements:**

- must meet income guidelines as established in Exhibit “B;”
- customer has *not* received assistance through the Lodi CARE Package Program in the past six (6) months;
- if a “past due” amount appears on the customer’s City of Lodi utility account, the customer is responsible for that balance, and must show proof of payment on the “past due” amount, *prior* to any action (in the form of an approval for a relief payment through the Lodi CARE Package Program) being taken by the Salvation Army;
- customer must present (in person) appropriate documentation of the following in order to qualify for a relief payment-
  - current City of Lodi utility statement;
  - ID/Social Security Cards for ALL members of the household, and driver’s license or California ID card of the person listed on the utility account;
  - proof of current income (i.e.: pay stub, grant letter, etc.)- handwritten notes are *not* acceptable;
  - copy of rental agreement;
  - proof of unexpected expenses (within the last sixty days), resulting in the inability to or hardship in paying City of Lodi utility account;
  - City of Lodi receipt for customer’s co-payment, if applicable/necessary;
- customer must consent to a free, in-home energy audit, once their relief payment has been approved.

## **Lodi CARE Package**

### **EXHIBIT “B”**

#### **Benefit Levels:**

- \$125.00 per eligible customer service address/account;
- one relief payment in a six-month period; no more than two (2) relief payments in 12 months.

#### **Lodi CARE Package Income Levels:**

> 1-2	persons in household	\$16,000 (maximum)
> 3	persons in household	\$20,000 ( “ ” )
> 4	persons in household	\$25,500 ( “ ” )
> 5	persons in household	\$31,000 ( “ ” )
> 6	persons or more in household	\$36,500 ( “ ” )

## **CONTRACT**

This contract between The City of Lodi (hereinafter "Lodi") and The Salvation Army, a California Corporation (hereinafter "T.S.A."), sets forth the terms and conditions under which T.S.A. will provide the services described herein. Lodi and T.S.A. agree as follows:

### **SCOPE OF SERVICES**

T.S.A. agrees to administer the ***Lodi CARE Package*** pilot project for the City of Lodi, in strict conformity with the terms and conditions of this contract. T.S.A. will provide the following services to Lodi under this agreement:

- ✓ Maintain and monitor a customer grant budget of \$84,000, commencing on June 1, 2004, and concluding May 30, 2005, or sooner, if funds are depleted (*see 'Terms of Agreement' below for additional guidelines*);
- ✓ Provide all customer interface, screening for customer eligibility (pursuant to the eligibility requirements set forth in Exhibit "A,") and approve customer participation for a customer grant under this pilot program, for benefits at those levels prescribed in Exhibit "B";
- ✓ Notify the City of Lodi Finance Department through a designated procedure any/all customers approved for a "grant" under this pilot program;
- ✓ Notify the City of Lodi Electric Utility on a bi-monthly basis, and provide the utility with the names of those approved customers participating in this pilot program;
- ✓ Maintain and monitor, in conjunction with the City of Lodi Electric Utility, a \$16,000 (not to exceed figure) pilot program administrative budget.

### **TERMS OF AGREEMENT**

The term of this agreement shall be from June 1, 2004 through May 31, 2005 or until the entire \$105,000 pilot program budget has been expended. A. *In the event that the customer "grant" monies (which total \$84,000) are exhausted prior to 5/31/05, and there are funds left in T.S.A. administration budget (which total \$16,000), T.S.A. will return all remaining funds to Lodi.* B. *In the event that T.S.A. administration budget is exhausted prior to 5/31/05, and there are funds remaining in the customer "grant" budget, Lodi will retain the option of continuing the pilot program and pay T.S.A. for its additional*

*administrative costs. (Note: the additional \$5,000 allocated for this pilot project is for material production and other administrative costs.)*

### **ADVERTISING, MARKETING, AND PUBLIC RELATIONS**

All advertising, marketing and/or public relations will be the sole responsibility of Lodi, which includes all costs associated with any promotional material and/or ad campaigns, as well as costs associated with the development and production of program brochures and program participant applications. T.S.A. agrees to provide consulting services to Lodi on potential market groups or targeted audiences.

### **INSURANCE**

For actions performed under this agreement, T.S.A. agrees to maintain all necessary insurance requirements set forth by Lodi (as identified in the instructions/requirements for insurance coverage page).

### **CONTRACT PRICE AND TERMS**

T.S.A. will invoice for all administrative work performed at a rate of \$1,333.00 per month for this project. The total administrative budget for this pilot project is set at \$16,000.00 (not to exceed figure). In addition, T.S.A. will manage the distribution of the customer “grant” monies, which total \$84,000 in this pilot program. Invoices will be submitted to Lodi the first of each month, payable within thirty (30) days of the invoice date.

### **COMPLIANCE WITH LICENSES-**

(NOTE: No additional anticipated licenses required to comply with this project.)

### **INDEMNITY CLAUSE**

T.S.A. shall indemnify, defend, and hold harmless the City of Lodi, the City of Lodi Electric Utility, its City Council, Directors, Officers, Agents, and employees against all claims, loss, damage, expense, and liability arising out of, or in any way connected with the performance of this contract and excepting only such loss, damage, or liability as may be caused by the intentional acts or sole negligence of the City of Lodi, and the City of Lodi Electric Utility.

***LODI CARE PACKAGE***  
**CONTRACT ACCEPTANCE**

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THE ABOVE TERMS AND CONDITIONS ARE AGREED UPON, AND ACCEPTED  
ON THIS \_\_\_\_\_ DAY OF MAY, 2004.

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The Salvation Army

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City Manager, City of Lodi

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City Attorney, City of Lodi

**SEAL OF CITY OF LODI CLERK**



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Approve Contract Change Order with MV Public Transportation, Inc., to Complete Short-Range Transit Plan for City of Lodi (\$10,270)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution authorizing the City Manager to approve a contract change order with MV Public Transportation, Inc., to complete a Short-Range Transit Plan for the City of Lodi.

**BACKGROUND INFORMATION:** The attached proposed Short-Range Transit Plan (S RTP) includes analysis of the current services to identify unproductive and/or underproductive routes, service peaks, unproductive runs and frequently used/infrequently used bus stops. The S RTP will also evaluate current headways and whether or not they are sufficient. Major destinations will be examined and outlined not only for Fixed Route (FR) but also for Dial-A-Ride (DAR). This data will then be evaluated against trip times and demands to determine if more efficient routing is needed.

A demographic analysis will be performed to monitor usage by age group, as well as destinations. This data will be incorporated into a report noting recommendations for improvements and/or changes to the existing services (DAR and FR). Additionally, capital needs will be addressed, including recommended vehicles, bus stop locations and bus stop amenities.

The Short-Range Transit Plan is a requirement of the Federal Transit Administration, and they have requested the City to complete one this Federal fiscal year (03/04).

**FUNDING:** Transit Fund: \$10,270

\_\_\_\_\_  
Ruby Paiste, Acting Finance Director

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager  
Attachment  
RCP/TF/pmf

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

## **CITY OF LODI, CALIFORNIA**

### **Short Range Transit Plan**

The City of Lodi staff has asked that a review of current services, both fixed route and Dial-a-Ride, be conducted to determine where services may be altered or improved to better serve the needs of the community. This review will be developed into a short range transit plan, meeting the planning needs of the system as well as those requirements of state funding sources. This review may be conducted by MV staff in conjunction with City staff, both locally and off-site, in the following manner:

#### **1.0 - Analysis of Current Services**

Using on/off data gathered by the drivers, an analysis of passenger movements will be conducted. This analysis will include a summary of passenger boarding and alightings at each stop on the fixed routes by time of day, both in table and graph format. Major items to be addressed in this portion of the study include:

- Identification of unproductive or underproductive route segments
- Identification of frequently used and underused bus stops
- Identification of service peaks and unproductive runs

Data supplied will also be used to determine if sufficient running time is allocated to the fixed routes at particular times of day, based on passenger volumes and peak hour traffic conditions. If the fixed route system includes route deviations at particular times of day, these deviations will be reviewed for their appropriateness both in terms of routing and time.



## **2.0 Origin / Destination Analysis**

Common origins and destinations frequently utilized by transit riders will be identified and plotted against the route structure to determine where routes might require adjustment to better serve primary locations, either as a result of routing or of timing (i.e. schools). Additionally, trip data from the Dial-a-Ride service will also be plotted against the fixed routes to determine where major dial-a-ride destinations are in relation to the fixed route system, within and outside of a ¾-mile ADA paratransit service boundary. Major destinations include:

- Schools
- Major employers
- Major retail establishments
- Human Service and social agencies
- Medical facilities
- Government facilities
- Public and multi-family housing

## **3.0 Demographic Analysis**

The demographics in the service area, in terms of population densities, will be charted to determine where those densities and population characteristics support public transit. In addition to overall population densities by census tract, the following population groups will be evaluated:

- Senior Population (55+)
- Disabled Population
- Youth Population (< 16)
- Low-Income Population



## **4.0 Development of Service Alternatives**

Based on these analyses, service alternatives will be developed for consideration by City staff. These alternatives will focus on developing new route structures to serve the identified populations, modifying existing routes to serve current populations, and determining where additional or reallocated resources in the system may be required to improve headways and overall service levels. These alternatives will be developed in consideration of the current scope of services provided by MV however, recommendations for future services will be included (within 5 years).

A summary of these alternatives will be provided to City staff in draft form for review and comment, and modifications included in a summary draft document.

## **5.0 Capital Recommendations**

Recommendations for capital improvements, including:

- Bus Stop Signs,
- Bus Stop Shelters and Benches, and
- Vehicles,

Will be made in response to each of the service alternatives provided in section 4.0. Recommended improvements will be prioritized according to City needs and priorities and cost projections included for decision making and budgeting purposes.

## **6.0 Marketing**

An evaluation of current marketing practices will be conducted to determine best efforts in terms of cost per passenger and cost per new rider. Additional marketing concepts will be provided aimed at improving employer participation in transit services, as well as at gaining new general public ridership. The current fare structure and the impact of



changes will be evaluated to determine where expanded fare media may improve use of the services by the community.

## **7.0 Draft and Final Plan**

A draft of recommendations in each area, to include a summary of the analysis performed, will be provided to City staff for review and comment. Once all comments have been received, the desired alternatives and capital plan will be adjusted to reflect staff comments and recommendations, and will be incorporated into a five-year short range transit plan.

## **6.0 Time Frame**

It is anticipated that this study will be conducted over the course of four months, once data collection on the fixed routes has begun. Recommendations for improvements will consider the cost structures of the current service contract when prioritized for implementation, and Year One of the plan will be considered to be FY 2004/2005. New or expanded services that require additional funding, both operating and capital, will be programmed in Years Two through Five of the plan.



RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY  
MANAGER TO APPROVE A CONTRACT CHANGE ORDER WITH MV  
PUBLIC TRANSPORTATION, INC., TO COMPLETE SHORT-RANGE  
TRANSIT PLAN FOR CITY OF LODI

=====

WHEREAS, the Short-Range Transit Plan includes analysis of the current services to identify unproductive and/or underproductive routes, service peaks, unproductive runs and frequently used/infrequently used bus stops; and

WHEREAS, the Short-Range Transit Plan will also evaluate current headways and whether or not they are sufficient; and

WHEREAS, major destinations will be examined and outlined not only for Fixed Route but also for Dial-A-Ride, and the data will then be evaluated against trip times and demands to determine if more efficient routing is needed; and

WHEREAS, a demographic analysis will be performed to monitor usage by age group, and destination; and

WHEREAS, the data will then be incorporated into a report noting recommendations for improvements and/or changes to the existing services, and will also address capital needs, including recommended vehicles, bus stop locations and bus stop amenities; and

WHEREAS, the Short-Range Transit Plan is a requirement of the Federal Transit Administration who has requested that the City complete a Plan this Federal fiscal year 2003-2004.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve Contract Change Order with MV Public Transportation, Inc., to complete Short-Range Transit Plan for the City of Lodi in an amount not to exceed \$10,270.

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_

Comments by the public on non-agenda items

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Recommendations by the City Manager's Budget Advisory Committee and the City Manager Regarding the 2004-2005 Financial Plan and Budget

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Manager

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**RECOMMENDED ACTION:** Recommendations by the City Manager's Budget Advisory Committee and the City Manager regarding the 2004-2005 Financial Plan and Budget.

**BACKGROUND INFORMATION:** The City Manager convened a group of business leaders to serve as a Budget Advisory Committee during preparation of the City's adjusted Fiscal Year 2004-05 Budget. After a series of meetings, the Committee developed a number of "big picture" recommendations that they will present during their oral report to the City Council during the May 19, 2004 Council meeting. The Committee consisted of the following members:

Randy Snider, Chairman  
Annette Murdaca, Vice-Chairperson  
Dennis Bennett  
Bill Huyett  
Joanne Mounce  
Debbie Olson  
Kent Steinwert  
Bob Wheeler  
Leon Zimmerman

Mr. Randy Snider (Committee Chairman) and Debbie Olson (Committee Member) will make the presentation to the Council on behalf of the Committee.

The City Manager will present his recommendations for adjusting the Budget based on a number of challenges facing the City including the recently published State "take-away" as projected by the League of California Cities. During the City Manager's presentation, he will frame the City's updated "challenge" (Exhibit A) and will discuss options that Council may consider for making adjustments to the FY 04/05 Budget. Options include such items as a Public Safety half cent sales tax, a mandatory work furlough for non-public safety employees, funding the on-going environmental litigation, the annual Electric Utility transfer to the General Fund Capital, and other possible adjustments.

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Additionally, the City Manager will present a list of Significant Expenditures Requests (SERs) (Exhibit B) as submitted both last year and this year for the FY 04/05 and an updated Budget Calendar (Exhibit C).

**FUNDING:** Not applicable

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H. Dixon Flynn  
City Manager

HDF/JSK  
Attachments

## City of Lodi

## General Fund Budget Challenge 2004-05

			General Fund					
			General Fund	Capital	Library	Electric	Water	Sewer Other
State Take Away	(705,000)		(705,000)					
Income Adjustment - General Fund	(906,000)	Ruby's estimate based on performance through March 2004	(1,000,000)					
City Take Away								
General Fund Capital	(350,000)	Transfer from Electric Eliminated		(350,000)		350,000		
Electric Loan plus Interest 5.706%	(545,600)	Repayment of \$350,000 from 1996		(545,600)		576,500		
Reduce In-Lieu Franchise to 9%	-	Rate Reduction of In-Lieu Franchise from 12% to 9%	-					
Budget Increases								
City Clerk								
Election Funding	(62,400)		(62,350)					
City Attorney								
Audit of Envision	(250,000)		(250,000)					
TCE/PCE Clean up	(1,351,000)		(1,351,000)					
Electric Utility Services								
Shift Field Services from Finance	-	No Savings				(414,000)		
Fire Department								
Performance Bonus	(48,000)	Approved By Council	(48,000)					
Dispatching Fee	(41,000)	Approved By Council	(41,000)					
Police Department								
Animal Shelter Oart-Time Staff	(19,200)		(19,200)					
Transfer Appeals Clerk to Police	-		(15,000)					
Water/Wastewater Utilities								
Maintenance Worker	(42,700)	Approved By Council					(42,700)	
Transportation								
Traffic Monitor Equipment	(17,500)	Recommended						(17,500)
Human Resources								
PERS Increase	(190,000)		(190,000)					
General Liability	(100,000)	Recommended	(100,000)					
Golden Handshake	(400,000)	Approved Phase II	(400,000)					
Facilities Service								
Rental Finance Department	(108,100)	Recommended	(108,085)					
<b>Total Take Away</b>	<b>(5,136,500)</b>		<b>(4,289,635)</b>	<b>(895,600)</b>	<b>-</b>	<b>512,500</b>	<b>(42,700)</b>	<b>- (17,500)</b>

EXHIBIT A

## City of Lodi

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### Budget Adjustments 2004-05

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#### Budget Reductions

City Council		
Phase I and II	(13,000)	Approved
City Clerk		
Phase I and II	(5,000)	
Community Center		
Phase I and II	(15,100)	Approved
Cut Arts Program	(25,000)	
Community Development		
Phase I and II	(10,500)	Approved
City Manager		Combine City Manager and Economic Development
Phase I and II	(22,900)	Approved
Reduce City Manager's Salary 10%	(12,800)	
Transfer Appeals Clerk to Police	-	No savings
Communications	(3,500)	
Travel	(8,000)	
Supplies and Material	(14,900)	
City Wide Postage	(40,000)	
Economic Development		Combine City Manager and Economic Development
Economic Development Coordinator	(115,800)	
Supplies and Material	(4,000)	
Special Payments	(3,000)	
Information Systems		
Supplies and Material	(24,000)	
Police Department		
Phase I and II	(36,000)	Approved
High Crimes Investigator	(69,000)	Defer
Reclass Management Analyst	(5,200)	Defer
Fire Department		
Phase I and II	(35,000)	Approved
Firefighter	(81,000)	Defer
Defer Paramedic Program	(506,800)	Defer
Vehicle Operations Course	(12,600)	Defer
Finance Department		
Phase I and II	(30,000)	Approved
Shift Field Services to Electric	-	No savings
Human Resources		
Phase I and II	(19,200)	Approved
Workers Comp	(230,500)	Department Recommendation
Medical Account Increase	(352,700)	Approved Phase II
Library		
Phase I and II	(1,000)	Approved
Cut Sunday Hours	(17,000)	
Water/Wastewater Utilities		
Storm Water Analyst	(66,000)	Department Recommendation
Organization Evaluation	(25,000)	Department Recommendation
Electric Utility Services		
Professional Services Increase	(10,000)	Defer
Automated Meter Reading	(2,000)	Defer
Four Computers	(7,000)	Defer
Equipment	(45,000)	Department Recommendation
Parks and Rec		
Phase I and II	(172,600)	Approved
P/T CAD Operator	(11,500)	Defer
Refurbish Basketball Floors	(5,000)	Defer
Public Works		
Phase I and II	(51,000)	Approved
Unrestricted Capital Phase II	(1,116,000)	Transfer from General Fund Capital
Reclass 4 Engineering Positions	(26,400)	Defer

Facilities Service

Maintenance Police Department	(8,500)	
Reduce Janitorial Services	(57,500)	Approved
Sub-Total	<u>(3,317,000)</u>	

Options

Increase Hiring Freeze to 28 positions	(520,000)	8 additional positions
Extend Voluntary Time Off 1 Year	(50,000)	Soft Estimate
Defer Admin Leave Pay Out	(150,000)	Negotiable
Review Community Promotion Programs	-	
Cap Employee Medical Cost	-	Negotiable
Explore 2-Tier Retirement Plan	-	Negotiable
Furlough Non-Safety 26 days	(1,100,000)	Defer Pay Raises \$406,000 or Furlough 12 days \$500,000
Or	<u>(1,820,000)</u>	
Cut additional 28 positions to 56		\$1,800,000

Total Savings (5,137,000)

**Significant Expenditure Requests  
Fiscal Year 2004/05  
Tentatively Approved**

<u>Dept./Request</u>	<u>Approved</u>	<u>Denied</u>
<b>Police</b>		
Reclass Management Anaylist II		\$5,185
Hire High Tech Crime Investigator		\$69,000
<b>Fire</b>		
Fire Admin. Office Relocation		\$40,000
Hire Firefighter (1)		\$81,000
Implement Paramedic Program		\$506,845
Performance Incentive Bonus	\$48,000	
Increase in Physical Exam Costs		\$5,000
Increase in Dispatching Contract	\$41,000	
MDC Tech. Grant Match		\$65,400
SCBC Grant Match		\$24,750
Foam Consortium		\$4,500
Emergency Vehicle Ops Course		\$12,595
<b>PW Water/WasteWater Utilities</b>		
Storm Water Mngmt. Analyst		\$66,000
Organizational Eval & Restructure		\$25,000
Hire PW Maint. Worker for Plant	\$42,725	
<b>Electric Utilities</b>		
Professional Services Increase		\$10,000
Contract Automated Meter Reading		\$2,000
Replace 4 computers		\$7,000
Convert Contract Electric Drafting Tech to FT		\$-
Hire Electrical Technician	\$(45,000)	
Convert Contract Utility Equip Specialist to FT		\$-
Convert Contract Customer Svs Mngr to FT	\$-	
Convert Program Coord to FT		\$-
<b>Transportation</b>		
Traffic Monitor Replacement	\$17,500	
<b>Parks and Recreation</b>		
PT Intern CAD Operator		\$11,495

Refinish Basketball Floors		\$5,000
<b><u>Dept./Request</u></b>	<b><u>Approved</u></b>	<b><u>Denied</u></b>
Purchase Sod Cutter		\$5,000
Parks Division Office Relocation	\$16,000	
<b>Library</b>		
Convert Contract Literacy Prog. Coord to FT		\$36,148
<b>Community &amp; Economic Development</b>		
PW Reclass Engineering Positions		\$26,400
PW AutoCAD Version Upgrade & Sub. Service		\$18,000
<b>Information Systems</b>		
Software Upgrade for Orcom GUI Interface		\$11,000
Convert Contracts to FT Senior Programmers		\$-
<b>City Clerk</b>		
Additional Election Costs	\$62,350	
<b>Human Resources</b>		
Additional General Liability	\$100,000	
Reduce Workers Comp	\$(230,000)	
<b>Organizational Support Services - Facilities</b>		
Additional Maintenance New PD Building	\$120,000	
Reduction of Janitorial Services	\$(57,500)	
Increase Rent for Finance New Location	\$108,085	
<b>Total:</b>	<b>\$223,160</b>	<b>\$1,037,318</b>

**2004-05 Financial Plan and Budget Instructions**

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**MAJOR BUDGET PREPARATION MILESTONES**

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	<b>STAFF</b>	<b>PUBLIC MEETINGS</b>
Review of Possible Budget Shortfall	11/18/03	
Discussion of VLF Impact & Budget Reductions Phase I		12/17/03
City Manager Recommendation to Conduct Public Survey		1/07/04
Discussion on Mid-year Budget Adjustments Phase II		1/21/04
Meetings with City Manager Budget Review Committee Members On-going	Feb '04	
Presentations to Service Clubs on Budget Challenges – 3 weeks		Feb '04
Discussion on Mid-year Budget Adjustments Phase II continued		2/04/04
Review of Public Survey Results by City Manager	4/20/04	
Public Survey Results Presentation		4/21/04
Inter-Fund Transfers Presentation		4/27/04
Governor's May Revise Release		5/13/04
Presentation by City Manager's Budget Advisory Committee and City Manager Regarding Recommended Adjustments		5/19/04
Discussion on Fund Balance & Release of Draft Budget Document		6/02/04
Adoption of 2004-05 Financial Plan & Budget		6/30/04

Dates subject to change.

Shirtsleeve sessions and/or Special Council meetings may be necessary

May 13, 2004



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and Appropriate Action Regarding: 1) Electric Utility \$350,000 Annual Transfer to the General Fund Capital 2) Repayment of Past Annual \$350,000 Transfers from the Electric Utility to the General Fund Capital and 3) \$73,000 Remaining Balance of the Old Lodi Union High Foundation's 1991 Loan

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Deputy City Manager

**RECOMMENDED ACTION:** That Council Discuss and Take Appropriate Action Regarding: 1) Electric Utility \$350,000 Annual Transfer to the General Fund Capital 2) Repayment of Past Annual \$350,000 Transfers from the Electric Utility to the General Fund Capital and 3) \$73,000 Remaining Balance of the Old Lodi Union High Foundation's 1991 Loan."

**BACKGROUND INFORMATION:** At the request of Council, on April 26, 2004, staff presented a thorough analysis of interfund transfers ranging from Impact Fees, Redevelopment Agency, Community Development Block Grants, Electric Utilities, Transit, etc. to account for the \$9,102,363 as noted on page 40 of the Comprehensive Annual Financial Report (Exhibit A) for June 2003.

Following much discussion, Council directed staff to bring back three items for action:

**1) Electric Utility \$350,000 Annual Transfer to the General Fund Capital (continue or halt the transfer?)** On July 17, 1996 the City Council approved Resolution 96-95 to authorize an "investment transfer of \$350,000 from the Electric Utility to the General Fund Capital Outlay Fund." The Finance Department has booked this transfer from 1996 through June 30, 2003 as a loan in accordance with the past practice of the Department. The principle balance of the loan reported June 30, 2003 was \$2,050,000. This should be adjusted to reflect payments received from the Foundation as described in the City Council Communication of July 17, 1996. To date the Foundation has paid the City \$2,012,500 or 19.43% of the \$10,358,362 loan. A copy of Resolution 96-95 (Exhibit B), Council Communication and Council minutes of July 17, 1996 (Exhibit C) are attached. During discussion on April 26, 2004, Council suggested that the practice of transferring \$350,000 to General Fund Capital be terminated.

*Original Staff Recommendation: Treat the "loan" as an investment transfer*

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

**2) Repayment of Past Annual \$350,000 Transfers from the Electric Utility to the General Fund Capital and a proposed rate reduction for Electric Utility customers (repay the “loan” or consider it an investment transfer?)** Council discussed during the April 26, 2004 Council meeting whether or not the General Fund Capital should “pay back” the Electric Utility for the annual \$350,000 transfers. Additionally, Council discussed whether or not interest should be paid by the General Fund Capital to the Electric Utility for the transfers. As noted in item #1 above, the balance of the transfer is \$2,050,000 which would equal approximately \$576,720 per year (\$350,000 plus interest). Staff suggested that the transfer not be treated as a loan.

*Original Staff Recommendation: Treat the “loan” as an investment transfer*

**3) \$73,000 Remaining Balance of the Old Lodi Union High Foundation’s 1991 Loan (credit the \$73,000 from the Foundation’s previous payments)** On May 1, 1991 the City Council voted to loan the “Foundation” the sum of \$170,000 for design of the Hutchins Street Square Auditorium. The Foundation has repaid \$97,000 of this loan. In 1997, the Foundation committed to repay the City the \$10,358,362 loan for completion of the Hutchins Street Square project. To date, the Foundation has paid the City \$1,100,000 cash which has been matched with waivers by the City Council in the amount of \$912,500. The total credit to the Foundation for the loan is \$2,012,500. The former Director of Hutchins Street Square recommended that the remaining balance of the 1991 loan (\$73,000) be waived by the City Council or that the City’s “match” be used to waive the loan. A copy of Council Communication and Council minutes for May 1, 1996 (Exhibit D) are attached.

*Original Staff Recommendation: Waive the remaining balance of \$73,000*

Additionally, at the request of Council staff will bring the Transit Fund updates to Council by the end of the fiscal year.

**FUNDING:** Dependent on Council’s actions.

---

Janet S. Keeter  
Deputy City Manager

JK/sl

Attachments

CITY OF LODI  
Notes to Basic Financial Statements (continued)  
June 30, 2003

(4) INTERFUND RECEIVABLES/PAYABLES

Interfund receivables and payables are as follows at June 30, 2003:

Receivable Fund	Payable Fund	Amount
General	Capital Outlay Reserve	\$ 229,120
Capital Outlay Reserve	Other governmental	763,291
Other governmental	Other governmental	582,331
Other governmental	General	1,345,416
Electric	Capital Outlay Reserve	2,050,000
Wastewater	Nonmajor fund - Transit	1,779,307
Wastewater	Other governmental	42,774
Water	Nonmajor fund - Transit	889,655
Water	Capital Outlay Reserve	1,396,764
Water	Other governmental	23,705
		<u>\$ 9,102,363</u>

"Due to" and "due from" balances are recorded primarily when funds overdraw their share of pooled cash or when there are short-term loans between funds. The \$582,331 and the \$1,345,416 represent cash deficits in the governmental funds. The \$1,779,307 and the \$889,655 represent the cash deficit in the Transit Fund. The \$229,120 from the General Fund to the Capital Outlay Reserve Fund is a loan for the start up costs of a redevelopment agency. The \$763,291 from the Capital Outlay Reserve to the Other governmental is a loan primarily for capital street expansion. The \$2,050,000 from the Electric Fund to the Capital Outlay Reserve Fund represents loan for capital improvements. The \$1,396,764 in the Water Fund is primarily the loan incurred for the construction of Fire Station #4.

**RESOLUTION NO: 96- 95**

**A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING THE INVESTMENT TRANSFER OF \$350,000 FROM THE ELECTRIC UTILITY  
FUND TO THE GENERAL GOVERNMENT CAPITAL OUTLAY**

---

**WHEREAS**, the City Council was provided with background information on the financing plan and strategy for construction of Hutchins Street Square and other general government projects between 1995 and 2001; and

**WHEREAS**, the information given at the shirtsleeve presentation listed approximately \$10 million worth of capital improvement projects and debt service to be funded by General Fund Revenue over the next five years; and

**WHEREAS**, the investment transfer is needed to supplement the property tax distribution to the Capital Outlay Fund to give the City flexibility in addressing capital improvement needs; and

**WHEREAS**, the investment transfer will be brought forward annually for Council approval; and

**WHEREAS**, Council has approved similar investment transfers from the Electric Utility Rate Stabilization Fund in the past;

**NOW, THEREFORE, BE IT RESOLVED**, by the Lodi City Council approval of an investment transfer of \$350,000 from the Electric Utility Fund to the General Government Capital Outlay fund.

Dated: July 17, 1996


---

I hereby certify that Resolution No. 96-95 was passed and adopted by the Lodi City Council in a regular meeting held July 17, 1996 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

  
Jennifer M. Perrin  
City Clerk



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Approval of an investment transfer of \$350,000 from the Electric Utility Fund to the General Government Capital Outlay fund.

**MEETING DATE:** July 17, 1996

**PREPARED BY:** Finance Director

**RECOMMENDED ACTION:** That the City Council adopt Resolution No. 96-10<sup>4</sup> approving an investment transfer of \$350,000 from the Electric Utility Fund to the General Government Capital Outlay fund .

**BACKGROUND INFORMATION:** At the shirtsleeve meeting of July 9, 1996, the City Council was provided with background information on the financing plan and strategy for construction of Hutchins Street Square and other general government projects between 1995 and 2001. That financing plan included an investment transfer of \$350,000 from the Electric Utility Fund to the General Government Capital Outlay fund . The investment transfer will be brought forward annually for Council approval.

Information given at the shirtsleeve presentation listed approximately \$10 million worth of capital improvement projects and debt service to be funded by General Fund Revenue over the next five years. The investment transfer is needed to supplement the property tax distribution to the Capital Outlay Fund to give the City flexibility in addressing capital improvement needs. Investment in capital projects will enhance the quality of life in Lodi, contribute to the economic revitalization of the City, and provide efficient and professional public service .

**Financial Impact:** Council has approved similar investment transfers from the Electric Utility Rate Stabilization Fund in February, 1989 and May, 1990. Final repayment of these loans were made in 1994 and 1995 respectively.

**FUNDING:** Electric Utility Rate Stabilization Fund

*Vicky McAthie*  
Vicky McAthie  
Finance Director

**APPROVED:** \_\_\_\_\_

*H. Dixon Flynn*  
H. Dixon Flynn -- City Manager

Speaking on the matter was the following person:

1. Tim Hachman, Bond Counsel, answered questions from the City Council.  
FILE NO. CC-21(a), CC-72, CC-300 AND CC-400
- b) The City Council, on motion of Council Member Mann, Sieglock second, unanimously adopted Resolution No. 96-102 approving the execution of lease financing documents and sale of \$10,120,000 Certificates of Participation (1996 Public Improvement Financing Project) to finance the construction of Performing Arts/Convention Center.

Speaking on the matter was the following person:

1. John Fitzgerald, Seidler/Fitzgerald Public Finance, answered questions from the City Council.  
FILE NO. CC-14(e), CC-21(a), CC-27(e) AND CC-300
- c) The City Council, on motion of Council Member Sieglock, Mann second, unanimously adopted Resolution No. 96-95 approving an investment transfer of \$350,000 from the Electric Utility Fund to the General Government Capital Outlay fund. Mayor Warner reiterated the City Council's earlier direction that this transfer not be done unless it is absolutely necessary; however, he understands that at the outset it is necessary to make the numbers balance. Council Member Mann indicated that the City Manager has acknowledged the Council's reluctance to do the transfer just because we can. This will be an annual request *if needed* and will be paid back by receipts from the Foundation.  
FILE NO. CC-21(b), CC-51(d) AND CC-300
- d) The City Council, on motion of Council Member Sieglock, Mann second, unanimously approved the landlords consent, thereby consenting to the assignment of the lease between the Lodi Boys and Girls Club, Inc. with the City of Lodi to Pacific State Bank.  
FILE NO. CC-6 AND CC-90

13. MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION

Mayor Warner adjourned the City Council meeting to a meeting of the Lodi Public Improvement Corporation. President Warner called the meeting to order and roll was recorded by Secretary Perrin as follows:

Present: Board Members - Davenport, Mann, Pennino, Sieglock and Warner (President)  
Absent: Board Members - None  
Also Present: Treasurer McAthie and Secretary Perrin

President Warner asked that the minutes reflect the earlier actions taken by the City Council on this issue (shown below):

*"The City Council, on motion of Council Member Mann, Sieglock second, unanimously adopted Resolution No. 96-102 approving the execution of lease financing documents and sale of \$10,120,000 Certificates of Participation (1996 Public Improvement Financing Project) to finance the construction of Performing Arts/Convention Center.*

*Speaking on the matter was the following person:*

1. *John Fitzgerald, Seidler/Fitzgerald Public Finance, answered questions from the City Council."*



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Consideration of Funding Alternatives for Hutchins Street Square Auditorium

MEETING DATE: May 1, 1991

PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council review the attached sources of funding for the development of the initial design phase of the Hutchins Street Square Auditorium and take action as deemed appropriate.

BACKGROUND INFORMATION: At its regular meeting of April 17, 1991, the City Council heard a request from the Old Lodi Union High School Site Foundation, in the person of Mr. Dennis Bennett, Chairman, that the City Council advance the Foundation the sum of \$170,000 to fund the preparation of preliminary design drawings for the restoration of the auditorium at Hutchins Street Square. In the Council Communication addressing this request in the agenda packet for that meeting, it was noted that the balance in the General Fund Operating Reserve had dipped below the generally accepted minimum level. As such, it is not prudent to tap this reserve fund for this purpose. Therefore, the only remaining source of revenue are those funds already appropriated for Capital Improvement Program projects. It comes down to a priority ranking. The attached list of projects (Exhibit A) illustrates from which projects funds could be made available to satisfy the Foundation's request. The biggest "hit" is on the Municipal Service Center's Administration Building expansion project. There is a need for this expansion or it would not have been included in the recently-adopted Capital Improvement Program. The operative word here is "priority." If the City Council deems it a higher priority to move ahead with the preparation of the preliminary design for the auditorium at this time, there is funding available. However, it is available only at the expense of other projects.

The City Hall addition project appropriation is listed as a possible source of funding, but this is a critical need from both space and handicap accessibility standpoints. It is recommended that this project not be slowed.

APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager

Consideration of Funding Alternatives for Hutchins Street Square Auditorium  
May 1, 1991

The staff will be prepared to answer questions and provide whatever additional information may be requested.

Funding Source: Capital Outlay Reserve

Respectfully submitted,

A handwritten signature in cursive script, reading "Thos. A. Peterson". The signature is written in dark ink and is positioned above the printed name.

Thomas A. Peterson  
City Manager

TAP:br

Attachment

CCCOM193/TXTA.07A

EXHIBIT A

FUNDING SOURCES  
FOR AUDITORIUM DESIGN  
HUTCHINS STREET SQUARE

	Available Funds	Recommended Reallocation
MSC Covered Storage:		
Sewer Capital	\$ 120,000	
Water Capital	60,000	
MSC - Administration Building:		
Sewer Capital	200,000	\$ 90,000
Water Capital	100,000	45,000
MSC - Garage Expansion:		
Sewer Capital	60,000	
Electric Capital	78,000	
Water Capital	60,000	
Capital Outlay	13,816	
City Hall Addition	1,881,473	
Miscellaneous Sanitary Sewer	10,000	5,000
Oversized Water Mains	10,000	5,000
Miscellaneous Water Mains	9,805	5,000
Miscellaneous Storm Drains	10,000	5,000
Kofu Park Lighting	130,403	
Upgrade Stadium Electric	135,700	
Hutchins Street Square Music Building Lighting	3,000	3,000
Miscellaneous Sewer Manholes	13,691	5,761
Sewer Taps	8,138	4,000
SPRR Property Acquisition	2,239	2,239
		=====
		\$170,000

April 1991  
CCCOM193/TXTA.07A

#153

CITY OF LODI  
SPECIAL ALLOCATION REQUEST

TO: Finance Director

DATE: May 7, 1991

FROM: City Clerk

PROJECT NUMBER: 120.1-350.82-500

CC-27(e)

Request is made for funds to accomplish the following project which was not included in the current budget:

<u>Description of Project</u>	<u>Estimated Cost</u>
Funding for the development of the initial design phase of the Hutchins Street Square Auditorium	\$170,000

See attachment for funding sources

(If you need more space, use additional sheet and attach to this form)

Date of Approval - 5/1/91

Amount Approved - \$170,000

Council \_\_\_\_\_XXXXX

City Manager \_\_\_\_\_

## FUND OR ACCOUNT TO BE CHARGED

Current Budget \$ \_\_\_\_\_ Prior Year Reserve \$ \_\_\_\_\_

Contingent Fund \$ \_\_\_\_\_ General Fund Surplus \$ \_\_\_\_\_


Capital Outlay Reserve \$ \_\_\_\_\_ Reimbursable Account \$ \_\_\_\_\_

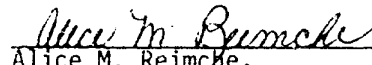
Utility Outlay Reserve \$ \_\_\_\_\_ Other (Election) \$ \_\_\_\_\_

Hotel/Motel Tax Reserve -

General Fund Operating Reserve

Account Number

  
 Robert W. Horn, Finance Director

  
 Alice M. Reimche,  
 City Clerk

Submit this form in duplicate to the Finance Director. Distribution after approval will be as follows: 1) Originating Department 2) Finance Department

Continued May 1, 1991

## REGULAR CALENDAR

FUNDING APPROVED FOR PREPARATION  
OF PRELIMINARY DESIGN FOR HUTCHINS  
STREET SQUARE AUDITORIUM

CC-27(e) City Manager Peterson, reminded the City Council that at its regular meeting of April 17, 1991, the City Council heard a request from the Old Lodi Union High School Site Foundation, in the person of Mr. Dennis Bennett, Chairman, that the City Council advance the Foundation the sum of \$170,000 to fund the preparation of preliminary design drawings for the restoration of the auditorium at Hutchins Street Square. In the Council Communication addressing this request in the agenda packet for that meeting, it was noted that the balance in the General Fund Operating Reserve had dipped below the generally accepted minimum level. As such, it is not prudent to tap this reserve fund for this purpose. Therefore, the only remaining source of revenue are those funds already appropriated for Capital Improvement Program projects. It comes down to a priority ranking. The following list of projects illustrates from which projects funds could be made available to satisfy the Foundation's request.

FUNDING SOURCES  
FOR AUDITORIUM DESIGN  
HUTCHINS STREET SQUARE

	Available Funds	Recommended
Reallocation		
MSC Covered Storage:		
Sewer Capital	\$ 120,000	
Water Capital	60,000	
MSC - Administration Building:		
Sewer Capital	200,000	\$ 90,000
Water Capital	100,000	45,000
MSC - Garage Expansion:		
Sewer Capital	60,000	
Electric Capital	78,000	
Water Capital	60,000	
Capital Outlay	13,816	
City Hall Addition	1,881,473	
Miscellaneous Sanitary Sewer	10,000	5,000
Oversized Water Mains	10,000	5,000

Miscellaneous Water Mains	9,805	5,000
Miscellaneous Storm Drains	10,000	5,000
Kofu Park Lighting	130,403	
Upgrade Stadium Electric	135,700	
Hutchins Street Square Music Building Lighting	3,000	3,000
Miscellaneous Sewer Manholes	13,691	5,761
Sewer Taps	8,138	4,000
SPRR Property Acquisition	2,239	2,239
		=====
		\$170,000

The biggest "hit" is on the Municipal Service Center's Administration Building expansion project. There is a need for this expansion or it would not have been included in the recently-adopted Capital Improvement Program. The operative word here is "priority." If the City Council deems it a higher priority to move ahead with the preparation of the preliminary design for the auditorium at this time, there is funding available. However, it is available only at the expense of other projects.

The City Hall addition project appropriation is listed as a possible source of funding, but this is a critical need from both space and handicap accessibility standpoints. It is recommended that this project not be slowed.

Mr. Ben Schaffer representing the Old Lodi Union High School Site Foundation shared with the Council on how much the community has supported the Foundation, not only in its goals, but also financially. He also informed the Council that the Foundation's debts have either all been paid or have been arranged to be paid.

Following further discussion among Council and staff with questions being directed to Mr. Schaffer, the Council on motion of Mayor Pro Tempore Pinkerton, Pennino second, unanimously approved the funding as recommended by staff (\$170,000) for the preparation of a preliminary design for the Hutchins Street Square Auditorium rehabilitation with the anticipation that these funds will be re-paid by the Foundation as has been done in the past.

RECESS

Mayor Hinchman called for a short recess and Council reconvened at approximately 9:14 p.m.



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Urgency Ordinance Repealing and Reenacting LMC §13.04.130 and Establishing Low Income Discounts for Water, Sewer and Refuse Services and Adopt Resolution Establishing Discounts

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt an urgency ordinance repealing and reenacting LMC §13.04.130 establishing low income discounts for water, sewer and refuse services and adopt a resolution establishing discounts.

**BACKGROUND INFORMATION:** In discussion on water and wastewater rates, the subject of providing a meaningful discount for low income residents was brought up. Staff is recommending a change in the City's current discount program as described below.

Currently, the Lodi Municipal Code contains the following section:

### **13.04.130 Low income adjustments.**

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced by ten percent (exclusive of surcharges, if any) for those residential accounts in the names of person otherwise eligible for Supplemental Security Income (SSI), or State Supplement Payments (SSP), as determined by the Social Security Administration, which shall have sole discretion in determining such eligibility. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein. (Ord. 1445 § 1, 1989)

In addition, the City has various electric and refuse programs, as summarized on Exhibit A. Note that the refuse discount was actually far greater than 10% due to the way past rate increases were handled; however, the rates adopted on April 27, 2004, eliminated that separate rate category. Customers in that rate category are being given the SSI/SSP 10% discount.

There are about 1,300 customers receiving electric discounts, almost 900 receiving refuse discounts and about 300 receiving water/wastewater discounts. The actual number of customers on these discount programs varies due to both different eligibility criteria and the fact that not all customers pay each of these bills. For example, a landlord might pay water and sewer and the tenant pays refuse and electric.

This recommendation is based on the fundamental concept that the City should have one set of eligibility criteria for its discount programs, although the amount of the discount may vary among the utilities; and,

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

they would be set by resolution. This will allow one administrative process for approval rather than two or three.

The text of the proposed ordinance is as follows:

**13.04.130 Low income adjustments.**

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons meeting the eligibility criteria for applicable electric service discounts as provided in this Title. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein.

Staff suggests that the Council consider adopting ordinance as an urgency measure so that the discounts can be effective as soon as possible since the increased rates adopted on April 27, 2004, are now in effect. This will be much better for the public and certainly save staff time and expense in either responding to questions or processing refunds should the Council direct that refunds be given.

A draft of the implementing resolution is attached, with the recommended discounts. The annual cost to the utilities, making various assumptions as to how many customers will seek the discounts will be presented at the Council meeting.

The issue of ongoing verification of eligibility will be addressed by staff once the Council provides direction on the overall program.

**FUNDING:** Administration costs would be borne by the Electric, Water and Wastewater funds and revenue loss would occur in each of the four revenue funds.

---

Richard C. Prima, Jr.  
Public Works Director

RCP/pmf

Attachments

cc: Alan Vallow, Electric Utility Director  
Jim Krueger, Finance Director

## **Exhibit A**

### **Refuse Rate Reduction Program**

Residential customers may apply for a reduction in their rate due to personal economic hardship. The rate reduction is actually a set rate depending on the size of the cart. 20-gallon carts are currently at a rate of \$8.24 and the 38-gallon cart at \$10.30. The criteria for this program is proof of income that meets the following guidelines:

One person in household      \$12,000/year

Each additional person add    \$2,000/year

Once application is approved there is no follow-up procedure to verify continued eligibility.

### **SHARE Program**

This program allows residential customers to apply for a discount of 20% on their monthly utility bill. The criteria for this program is proof of income that meets the following guidelines:

<u>Number of Persons in Household</u>	<u>Maximum Annual Household Income</u>
1-2	\$22,000
3	\$25,900
4	\$31,100
Each additional member	\$5,200

Once the application is approved, it is up to the applicant to notify the Finance Department within 30 days of becoming ineligible for the program.

### **SSI & SSP Recipient Discount Program**

If a resident receives SSI or SSP, they may be eligible for a 10% discount on Water, Sewer and Refuse rates. Once the application is filled out, the Finance Department will send the form to the Social Security Administration to verify eligibility. Once approved, there is no follow-up procedure to verify continued eligibility.

### **Senior Fixed Income Program**

This program allows for residential customers over the age of 62 with a maximum household income of \$45,000 to apply for a 5% discount on their monthly electric bill.

ORDINANCE NO. \_\_\_\_\_

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING CHAPTER 13.04 OF THE LODI MUNICIPAL CODE BY  
REPEALING AND REENACTING SECTION 13.04.130, RELATING TO  
LOW-INCOME ADJUSTMENTS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 13.04 – “Service Generally” - is hereby amended by repealing and reenacting §13.04.130, relating to low-income adjustments to read as follows:

**13.04.130 Low Income Adjustments.**

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons meeting the eligibility criteria for applicable electric service discounts as provided in this Title. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein.

SECTION 2. This ordinance is adopted as an urgency ordinance under Government Code §36934, based on health, safety, and welfare considerations arising from: (1) the City of Lodi’s consideration of increased utility rates if adopted take effect prior to the City’s ability to institute the low-income discounts considered herein; (2) If the increases are adopted prior to institution of the discounts, Lodi’s low-income community may suffer financial hardship or inability to afford critical health and sanitary services.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately after its passage and approval.

Approved this \_\_\_\_\_ day of April, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was adopted as an urgency ordinance at a special meeting of the City Council of the City of Lodi held May 19, 2004, and was thereafter passed, adopted and ordered to print by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. \_\_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
Interim City Attorney

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
ESTABLISHING LOW-INCOME DISCOUNTS FOR  
WATER, SEWER, AND REFUSE SERVICES

=====

WHEREAS, with the implementation of new rates adopted April 27, 2004 to be effective May 3, 2004, the Lodi City Council has amended Lodi Municipal Code Chapter 13.04, §13.04.130 "Low Income Adjustments" by adopting an urgency ordinance at its May 19, 2004; and

WHEREAS, the City Council now desires to adopt a Resolution establishing discounts for eligible low-income residents;

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve and establish low-income discounts for water, sewer, and refuse services as shown below:

For Residential Customers who qualify for the Electric SHARE Program discount:

Water	20%	Discount on the Residential Flat Rate
Wastewater	20%	Discount on the Residential Flat Rate for Disposal to the Domestic System
Refuse	30%	Discount for Cart Service Categories 1, 2, 3, 4 and 5

OR,

For Residential Customers who qualify for the Electric Senior/Fixed Income discount:

Water	10%	Discount on the Residential Flat Rate
Wastewater	10%	Discount on the Residential Flat Rate for Disposal to the Domestic System
Refuse	10%	Discount for Cart Service Categories 1, 2, 3, 4 and 5

Dated: May 19, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi at its regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held in the City on Tuesday, November 2, 2004, for the Election of Certain Officers of the City as Required by the Provisions of the Laws of the State of California Relating to General Law Cities

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the City Council adopt a resolution calling and giving notice of the holding of a General Municipal Election to be held in the City on Tuesday, November 2, 2004, for the election of certain officers of the City as required by the provisions of the laws of the State of California relating to general law cities.

**BACKGROUND INFORMATION:** The 2004 General Municipal Election for two Council seats will be held Tuesday, November 2, 2004. The terms of Council Members Howard and Land are expiring. By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

It will be necessary for the City Council to adopt a resolution calling and giving notice of the holding of a General Municipal Election in the City of Lodi on November 2, 2004.

On October 19, 1988, the City Council adopted Ordinance No. 1438 consolidating Municipal Elections with state-wide General Elections. This Ordinance was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 2, 2004, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

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WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on Tuesday, November 2, 2004, for the election of municipal officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there is called and ordered to be held in the City of Lodi, California, on Tuesday, November 2, 2004, a General Municipal Election for the purpose of electing the qualified two (2) members of the City Council of said City for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk of the City of Lodi is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct said election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Dated:** May 19, 2004

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I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Entering into Contract with County of San Joaquin for the County Registrar of Voters to Provide Certain Services for the November 2, 2004, General Municipal Election

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council adopt a resolution approving the City entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services for the November 2, 2004, General Municipal Election.

**BACKGROUND INFORMATION:** The City Council on October 19, 1988, adopted Ordinance No. 1438 entitled, "An Ordinance of the Lodi City Council Consolidating Municipal Elections with State-wide General Elections." This Ordinance was adopted pursuant to §36503.5 of the State of California Government Code. Ordinance No. 1438 was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

It is necessary for the City of Lodi to enter into an agreement with the County of San Joaquin to provide certain services in the conduct of the November 2, 2004, General Municipal Election. The City will reimburse the county for these services when the work is completed and upon presentation to the City of a properly approved bill.

**FUNDING:** Election Account      ***Preliminary estimate*** \$109,750\*  
100102      *\*Note: Does NOT include \$10,400 cost for candidates' statements*

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Ruby Paiste, Acting Finance Director

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 2, 2004

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WHEREAS, a General Municipal Election is to be held in the City of Lodi, California, on November 2, 2004; and

WHEREAS, in the course of conduct of the election, it is necessary for the City to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Lodi.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the provisions of §10002 of the Elections Code of the State of California, this City Council requests the San Joaquin County Board of Supervisors to permit the County Registrar of Voters' office to prepare and furnish to the City of Lodi all materials, equipment, and services as agreed upon by the County Registrar of Voters and the City Clerk for the conduct of the November 2, 2004, General Municipal Election.

SECTION 2. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 3. That the City Clerk is directed to forward without delay to the Board of Supervisors and the County Registrar of Voters' offices a certified copy of this resolution.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Dated:** May 19, 2004

---

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** City Council Policy Regarding Impartial Analyses, Arguments, and Rebuttal Arguments for any Measure(s) Brought before the Voters at the November 2, 2004, General Municipal Election

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council adopt a resolution regarding impartial analyses, arguments, and rebuttal arguments for any measure(s) that may qualify to be placed on the ballot for the November 2, 2004, General Municipal Election.

**BACKGROUND INFORMATION:** The State of California Elections Code sets forth that whenever any city measure(s) qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Elections Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

The City Council is hereby requested to adopt a resolution regarding impartial analyses, arguments for and against any measure(s), and for the submittal of rebuttal arguments as set forth in the State of California Elections Code for any measure(s) that may qualify to be placed on the ballot for the November 2, 2004, General Municipal Election.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,  
SETTING FORTH THE COUNCIL'S POLICY REGARDING IMPARTIAL  
ANALYSES, ARGUMENTS, AND REBUTTAL ARGUMENTS FOR ANY  
MEASURE(S) THAT MAY QUALIFY TO BE PLACED ON THE BALLOT  
FOR THE NOVEMBER 2, 2004, GENERAL MUNICIPAL ELECTION

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WHEREAS, the State of California Elections Code sets forth that whenever any city measure(s) qualifies for a place on the ballot, the governing body may direct the City Elections Official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Elections Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

NOW, THEREFORE, ~~BE~~ IT RESOLVED that the City Council of the City of Lodi does hereby set forth the following as it pertains to any measure(s) that may qualify to be placed on the ballot for the November 2, 2004, General Municipal Election:

SECTION 1. The City Council of the City of Lodi does hereby direct the City Clerk to transmit a copy of any measure(s) that would qualify to be voted upon at the November 2, 2004, General Municipal Election to the City Attorney to prepare an impartial analysis of the measure(s), showing the effect of the measure(s) on the existing law and the operation of the measure(s).

SECTION 2. The City Council of the City of Lodi does hereby determine that written argument for or against any city measure may be submitted pursuant to the Elections Code of the State of California. No argument shall exceed 300 words in length.

SECTION 3. The City Council of the City of Lodi does hereby determine that rebuttal arguments may be submitted pursuant to the Elections Code of the State of California. Rebuttal arguments shall not exceed 250 words in length.

**Dated:** May 19, 2004

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I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 2, 2004

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That the City Council adopt a resolution adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 2, 2004.

**BACKGROUND INFORMATION:** The 2004 General Municipal Election for two Council seats will be held Tuesday, November 2, 2004. The terms of Council Members Howard and Land are expiring. By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

The California Elections Code allows each candidate, for a non-partisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter. Candidates' statements are designed to acquaint voters with a candidate's qualifications for the office they are seeking.

The law requires the Council to adopt a policy no later than seven days before the nomination period opens regarding the candidates statements and obligation for payment.

### **Payment**

Elections Code §13307 allows the City to estimate the total cost of printing, handling, translating, and mailing the candidates statements and requires each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters' pamphlet. The cost of the candidates statement may be borne by the City, the candidate, or the cost shared between them.

Due to rising election costs the most prudent course of action to take would be to charge candidates for the cost of printing, handling, translating, and mailing of their candidate's statement. Deborah Hench, San Joaquin County Registrar of Voters, has estimated the 2004 General Election cost for a candidate's statement of qualifications at \$1,295 each. **The cost incurred by the City of Lodi for eight (8) candidate's statements in the 2002 election was \$10,400.** A similar number of candidates and cost for this year's election is anticipated.

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Candidates' statements are not required to run for elective office.

*California Government Code Section 85300. No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office.*

➤ **Recommendation**

It is recommended that the City Council approve charging the candidates for the actual costs associated with the candidates' statements.

**Word Limit**

The Council may authorize an increase in the limitation on words for the candidate's statement from 200 to 400 words.

➤ **Recommendation**

It is recommended that the City Council not increase the word limitation, which has historically been set at 200 words.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,  
ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE  
PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS  
AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004

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WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Lodi on November 2, 2004, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY. Pursuant to the Federal Voting Rights Act, as amended, the City Clerk shall have all candidates statements translated into Spanish.

SECTION 3. PAYMENT. The candidate shall be required to pay for the cost of printing the candidates statement in English and Spanish in the voters' pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voters' pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

SECTION 6. That all previous resolutions establishing Council policy on payment for candidates statements are repealed.

SECTION 7. That this resolution shall apply only to the election to be held on November 2, 2004, and shall then be repealed.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Dated:** May 19, 2004

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I hereby certify that Resolution No. 2004-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and Possible Action Regarding Option to Refer the Proposed Large-Scale Retail Initiative Measure to any City Agency or Agencies for a Report on Its Effect on Municipal Operations (Pursuant to California Elections Code Section 9212)

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That Council discuss and take appropriate action, if desired, to order a report on the municipal impacts of the proposed Large-Scale Retail Initiative.

**BACKGROUND INFORMATION:** Proponents of the Large-Scale Retail Initiative have expressed concern about the short timeframe they are under to qualify the petition for the November ballot, and specifically, how Elections Code Sections 9212(a), 9214(c), and 9215(c), which allow Council the option of ordering a report on the measure's effect on municipal operations, could further delay action to place it on the ballot.

A report can be ordered by Council either during circulation of the petition or at the regular meeting at which the certification of the petition is presented. To expedite the process, the proponents would prefer that if Council desires such a report be prepared, that it be ordered immediately, rather than waiting until the meeting at which the petition is certified. Community Development Director Bartlam will be available to answer questions regarding the purpose, possible content, and feasibility of preparing such a report if Council expresses an interest in doing so.

### California Elections Code:

**9212.** (a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
  - (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
  - (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
  - (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
  - (5) Its impact on the community's ability to attract and retain business and employment.
  - (6) Its impact on the uses of vacant parcels of land.
  - (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
  - (8) Any other matters the legislative body requests to be in the report.
- (b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

**FUNDING:** None required.

\_\_\_\_\_  
Susan J. Blackston, City Clerk

SJB/jmp

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

Small City Preservation Committee  
P.O. Box 730  
Woodbridge, CA 95258

April 16, 2004

Ms. Susan Blackston  
City Clerk, City of Lodi  
221 W. Pine St.  
Lodi, CA 95240

RECEIVED

2004 APR 16 AM 11:04

CITY CLERK  
CITY OF LODI

**To the Honorable Clerk of the City of Lodi:** We, the undersigned, registered and qualified voters of the City of Lodi, hereby propose an initiative measure to amend the City of Lodi's Zoning Ordinance, Lodi Municipal Code, Title 17; and General Plan. We petition you to submit this measure to the City Council for adoption without change, or for the submission to the voters of the City of Lodi at the earliest regular or special election for which it qualifies.

### **NOTICE OF INTENTION TO CIRCULATE PETITION**

**NOTICE IS HEREBY GIVEN** by the persons whose names appear hereon of their intention to circulate the petition within the City of Lodi. The measure provides as follows:

#### **Lodi's Sensible Scale and Character Initiative**

The people of the City of Lodi do hereby ordain as follows:

#### **Section 1. Purpose and Findings.**

**A. Purpose.** The purpose of this Initiative is to protect and preserve the existing community character and fabric, and promote the continuation of neighborhood/community commercial centers and the downtown commercial center. Also, the purpose of this Initiative is to ensure that the purposes and principles set forth in the City of Lodi's General Plan are fully considered by establishing sensibly scaled retail development and maintenance of the City of Lodi's unique character. This action recognizes that large-scaled retail stores affecting the city shall be subject to approval by the City Council and a public vote.

**B. Findings.** The people of the City of Lodi find that regulating size and bulk of retail stores, through this initiative, promotes the welfare, economy, and quality of life of the residents of Lodi, based upon the following:

##### **1. Regulating Scale of Retail Stores Protects the Unique Character and Quality of Life in Lodi.**

An important component of the City of Lodi is maintaining its unique character. Lodi's small-town and rural qualities are a valuable trait of the town. Large-scale retail stores detract from the community's character and aesthetics. Large retail stores are usually located some distance away from residential neighborhoods because they require large sites, which are usually found only in zones outside of the downtown area. Large-scale retail often consists of long, plain facades, a sea of parking, and sparse landscaping.

The unique character of the City of Lodi and the quality of life enjoyed by City residents and visitors depend on the protection of the small-town and rural qualities. The protection of such attributes aids the continued viability of the city and brings mental and physical benefits from the broad protection of Lodi residents' quality of life.

## **2. Strengthening Lodi's Economy.**

It is important to have sensibly scaled retail stores in order to continue to strengthen and sensibly develop Lodi's existing economy. Lodi has a number of shopping centers providing the community with merchandise and services. Large-scale retail stores affect existing shopping centers by causing the existing stores to go out of business, thus destabilizing the shopping centers, and leaving empty, boarded-up buildings, which increase crime and blight. The surrounding area loses the merchandise and services offered by the existing businesses. Sometimes a large-scale retail company will close down an existing store, and replace it with a superstore, which also results in a large, empty store.

## **3. Ensuring Adequate Public Services for the City.**

There are negative impacts to not having sensibly scaled retail stores, including safety. Large-scale retail stores require significantly higher commitment of police, fire, and public safety resources compared to smaller neighborhood stores. Usually large-scale stores fail to provide provisions for the pedestrians entering the store. It is often dangerous even to walk from the parking lot to the entrance of the store, with cars driving and maneuvering in the very large parking area. The larger stores usually involve longer trips and generate more traffic in a concentrated area, and thus require improved street capacity in their immediate neighborhoods. The elderly, handicapped, and poor, who may not have access to larger retail stores because they are located at greater distances away from their neighborhoods due to the large land acquisition requirements of the larger retail stores.

**C. Effect of Initiative.** To achieve the above-stated purposes, this Initiative would amend the City of Lodi's Ordinance and General Plan to establish a limit on large-scale retail stores that exceed 125,000 square feet of gross floor area. Also, it would require that any large-scale retail project proposal containing commercial retail structures that exceed 125,000 square feet of gross floor area be subject to approval by the City Council and a public vote in the next general election.

Exhibits. This Initiative does not have any exhibits attached but relies upon the design standards for large-scale stores recently adopted by the City.

## **Section 2. Zoning Ordinance and General Plan Amendments.**

Whereas, the Lodi General Plan establishes a policy framework that forms the City of Lodi's strategy for retail; and

Whereas, the Lodi General Plan and Zoning Ordinance recognize distinct types of shopping centers such as neighborhood/community commercial; general commercial; commercial shopping center; and downtown commercial; and

Whereas, the Lodi General Plan establishes policies encouraging promoting downtown Lodi as the City's social and cultural center and an economically viable retail and professional office district, it promotes locating future commercial retail in downtown Lodi and preserving the existing small-town scale and character of Lodi; and

Whereas, General Plan policies promote and encourage vital neighborhood commercial districts that are evenly distributed throughout the city so that residents are able to meet their basic daily shopping needs at neighborhood shopping centers; and

Whereas, the California Government Code also provides that in order for the ordinance to be consistent with the General Plan, the various land uses authorized by the ordinance should be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

Whereas, the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) has not kept pace with the evolution of the retail sector and fails to adequately distinguish the size, scale and scope of various retail activities; and

Whereas, an emerging national trend exists toward increasing the size of retail stores and the diversity of products offered at such large-scale retail stores; and

Whereas, the establishment of large-scale retail stores in Lodi is likely to negatively impact the vitality and economic viability of the city's neighborhood community commercial and downtown commercial centers by drawing sales away from traditional retail stores located in these centers; and

Whereas, large-scale retail stores adversely affect the viability of small-scale, pedestrian-friendly neighborhood commercial areas, contributing to blight in these areas; and

Whereas, given the city's current population of 60,000, there are currently adequate retail stores to support the market for large-scale retail; and

Whereas, the proposed amendments to the Zoning Ordinance and General Plan are intended to preserve the city's existing neighborhood-serving shopping centers that are centrally located within the community; and

Whereas, this distribution of shopping and employment creates a land use pattern that reduces the need for vehicle trips and encourages walking and biking for shopping, services, and employment; and

Whereas, a significant concern with large-scale retail stores is that they combine neighborhood-serving retail in a more remote, regional-serving retail center which would result in the decline of neighborhood-serving retail stores by consolidating their activity in a single, outlying location; and

Whereas, the remote location of large-scale retail stores means that local residents are forced to drive further for basic services such as groceries, and are forced to take longer and more frequent traffic trips to the regional commercial center to satisfy basic everyday needs, increasing overall traffic and overburdening streets that were not designed to accommodate such traffic; and

Whereas, the proposed amendments to Lodi's Zoning Ordinance and General Plan, by limiting large-scale retail stores, will prevent the negative transportation and related air quality impacts that establishment of such stores is likely to have; and

Whereas, numerous local jurisdictions in the country and the State of California, taking all of the above considerations in mind, have enacted ordinances on new large retail stores over a certain size that either completely prohibit new retail stores over a certain size or require special impact studies; and

Whereas, California jurisdictions that have recently enacted such regulations to help sustain the vitality of small-scale, more pedestrian-oriented neighborhood shopping districts include the Cities of Turlock, Santa Maria, San Luis Obispo, Arroyo Grande, Oakland and Martinez; and

Whereas, a potential discount superstore would directly contravene the approach the City's General Plan established for retail; and

Whereas, the proposed regulations will place stricter controls on the establishment of, or conversion to large-scale stores and would prevent a large-scale retail store with potential negative environmental impacts from being established in Lodi, but will not itself generate environmental impacts or necessitate environmental review; and

Whereas, the adoption of these regulations does not approve any development project nor does it disturb the physical environment either directly or indirectly as the regulations modify the limitations of land use by limiting large-scale retail stores that exceed 125,000 square feet of gross floor area and require such projects be approved by the City Council and the citizens' votes in the next general election; and

Whereas, requiring voter approval of land use development of large-scale retail stores that exceed 125,000 square feet of gross floor area will ensure opportunities for full public participation in decisions affecting future land use, quality of life, and character of the City of Lodi.

**NOW, THEREFORE**, the City of Lodi hereby ordains that:

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code, Districts and Map) is amended by the addition of 17.06.050(D), which shall read as follows:

"Retail structures in any district established by this title shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of the following Sections 17.36.035, 17.36.036, 17.39.035, 17.39.036, 17.30.045, 17.30.046, which include but shall not be limited to these applicable districts.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.36.035, which shall read as follows:

"Retail structures in the C-1 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council; unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council

approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.39.035, which shall read as follows:

"Retail structures in the C-2 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.30.045 which shall read as follows:

"Retail structures in the C-S district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Sections 17.36.036, 17.39.036, 17.30.046, and 17.06.051 which shall read as follows:

"Nothing in this Chapter shall give the City Council the authority to grant a variance from the provisions of 17.36.035, 17.39.035, 17.30.045, and 17.06.050(D) relating to the maximum size of retail structures in any district established by this title, including but not limited to the C-1, C-2, and C-S Districts."

The Lodi General Plan is amended by the addition of Policy 7 to Goal A which shall read as follows:

"The City shall promote preservation of Lodi's small-town and rural qualities by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election."

The Lodi General Plan is further amended by the addition of Policy 6 to Goal D which shall read as follows:

"The City shall promote and support Lodi's downtown development by ensuring that retail structures

in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.”

The Lodi General Plan is further amended by the addition of Policy 7 to Goal E which shall read as follows:

“The City shall support commercial use development to provide goods and services to Lodi residents and market area by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election.”

The City of Lodi’s General Plan is hereby amended to add the following Implementing Policy, Policy 17, to read as follows:

“The City shall prepare and implement the requirement for City Council and public voter approval of retail structures in excess of 125,000 square feet in gross floor area in any district established by Lodi’s General Plan and Zoning Ordinance.”

### **Section 3. Implementation.**

**A. Effective Date.** As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the City of Lodi’s Planning and Zoning Code and General Plan as an amendment thereof.

**B. Interim Amendments.** The City of Lodi’s Zoning Code in effect at the time the Notice of Intent to circulate this Initiative was submitted to the City of Lodi Elections Official on April 16, 2004 (“Submittal Date”), and the ordinances as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City of Lodi. In order to ensure that the City of Lodi’s Planning and Zoning remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voter in enacting this Initiative are given effect, any provision of the Planning and Zoning Code that is adopted between the Submittal Date and the date that the Planning and Zoning Code is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the Planning and Zoning Code provisions adopted by Section 2 of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the City’s Planning and Zoning Code.

**C. Other City Ordinances and Policies.** The City of Lodi is hereby authorized to amend the Planning and Zoning Code, other ordinances, the General Plan, and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure consistency between goals, objectives and policies adopted in Section 2 of this Initiative and other elements of the City’s Planning and Zoning Code, General Plan, all community and specific plans, and other City ordinances and policies.

### **Section 4. Exemptions for Certain Projects.**

This Initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of the Initiative a vested right pursuant to state or local law; (2) any land that, under state or federal law, is

beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

**Section 5. Elections.**

Except for the renewal or repeal of this Article, any direct or indirect costs to the City of Lodi caused by the elections mandated by this Article shall be borne by the applicants for the large-scale development project in excess of 125,000 square feet, unless otherwise prohibited by state law.

Elections mandated by this Article shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

**Section 6. Severability and Interpretation.**

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

**Section 7. Amendment or Repeal.**

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Lodi.



Elizabeth M. Fiske

727 S. Lee Ave.

Lodi, CA 95240



Glenda Hesseltine

727 Brandywine Dr.

Lodi, CA 95240



Walter Pruss

2421 Diablo Dr.

Lodi, CA 95242



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 – Parks by adding Article IV "Skate Parks" Relating to Skate Park Regulations

**MEETING DATE:** May 19, 2004

**PREPARED BY:** Parks and Recreation Director

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**RECOMMENDED ACTION:** That the City Council introduce the ordinance amending Lodi Municipal Code Chapter 12.12 – Parks by adding Article IV "Skate Parks" relating to skate park regulations.

**BACKGROUND INFORMATION:** The Kofu Skate Park opened in August, 2002, and operated until December 2003 when the contract between Spohn Ranch, Inc. and the City of Lodi was terminated. The Parks and Recreation Department has been laying the groundwork to reopen the park as an unsupervised facility. Interim City Attorney Stephen Schwabauer has written this ordinance which would allow the City to operate the skate park in the future.

**FUNDING:** None.

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Tony Goehring  
Parks and Recreation Director

Prepared by Michael S. Reese, Recreation Supervisor

TG/MR:tl

cc: City Attorney

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 12.12 –  
PARKS BY ADDING ARTICLE IV “SKATE PARKS” RELATING  
TO SKATE PARK REGULATIONS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 “Parks” is hereby amended by adding Article IV, Skate Parks, and shall read as follows:

Article IV. Skate Parks

12.12.300 Skateboarding, Rollerskating prohibited in Certain Areas; Skate Park Regulations

- A. Skateboarding, rollerskating, in-line skating, and similar activities are prohibited in City Parks and recreational facilities unless specifically authorized in areas designed by this Section and as further designated by resolution of the City Council. The City of Lodi designates and maintains as a skate park facility, that area located within Kofu Park at 1145 South Ham Lane at Cardinal Street. The boundaries of the skate facility shall be defined by a fence and the signs required by this section.

12.12.310 The following regulations shall apply to the riding of skateboards, in-line skates, or roller skates at, or any other use of, any facility or park owned or operated by the City of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
- (1) Ride, operate, or use a skateboard, roller skates, or in-line skates, unless that person is wearing a helmet designed for skateboarding and/or in-line skating use with a chin strap, elbow pads designed for skateboard and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;
  - (2) Ride, operate, utilize a skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
  - (3) Be on or use an individual apparatus within the skate park while another person is using it;
  - (4) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;

- (5) Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of skateboarders or skaters;
- (6) Use, operate or possess any source of amplified music including but not limited to stereo's, boom boxes, and amplifiers.
- (7) Enter the skate park unless actively skateboarding or in-line skating in accordance with these regulations;
- (8) Use, consume, or have within his or her custody or control, food or beverages, within the skate park;
- (9) Use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs within the skate park;
- (10) Enter upon the skate park while under the influence of alcoholic beverages or illegal drugs;
- (11) Use or possess glass containers, bottles, or other breakable glass products within the skate park;
- (12) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying) or any activity which could endanger the safety of persons using the skate park or spectators;
- (13) Engage in graffiti, tagging, or other defacing of City property or the properties of others;
- (14) Ride, operate, or utilize any device other than a skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, bicycles, motor vehicles, motorized skateboards and motorized skates) on the skate park;

B. The skate park shall be posted with signs at the following locations:

- (1) At the entrance to the skate Park; and
- (2) On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the City. The signs shall not be less than 2 feet by 3 feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

### WARNING

SKATEBOARDING AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE §§115800 AND 115800.1

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A SKATEBOARD OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR SKATEBOARD USE AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED SKATE BOARDS AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO PROVIDE AMPLIFIED MUSIC WITHIN THE SKATE PARK. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

#### 12.12.320 Violations

- A. Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this Chapter shall be prosecuted as a misdemeanor or an infraction as provided in Section 1.08.010 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk  
=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held May 19, 2004, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2004, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES; COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
Interim City Attorney



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and Possible Action Regarding a Proposed City of Lodi Code of Ethics and Values

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Manager

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**RECOMMENDED ACTION:** That Council discuss and take possible action regarding a proposed City of Lodi Code of Ethics and Values.

**BACKGROUND INFORMATION:** Pastor Dale Edwards, selected by the City Council to lead a team-building effort, has worked with individual Council Members and the appointees to ascertain issues and resolutions that might enhance Council's working relationships. Subsequently Pastor Edwards suggested that Council adopt a "City of Lodi, Code of Ethics and Values," which he modeled after the City of Santa Clara.

The Code of Ethics and Values is attached for Council's review and for possible action.

**FUNDING:** Not applicable.

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Janet S. Keeter  
Deputy City Manager

JSK

Attachment

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

# **CITY OF LODI, CA**

## **Code of Ethics and Values**

### **PREAMBLE**

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the city's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

**1. As a Representative of the City of Lodi, I will be ethical.**

**In practice, this value looks like:**

- a.) I am trustworthy, acting with the utmost integrity and moral courage.
- b.) I am truthful, do what I say I will do, and am dependable.
- c.) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interest that impair my independence of judgment or action.
- d.) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e.) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f.) I show respect for persons, confidences, and information designated as "confidential."
- g.) I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

**2. As a Representative of the City of Lodi, I will be professional.**

**In practice, this value looks like:**

- a.) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b.) I approach my job and work-related relationships with a positive attitude.
- c.) I keep my professional knowledge and skills current and growing.

**3. As a Representative of the City of Lodi, I will be service-oriented.**

**In practice, this value looks like:**

- a.) I provide friendly, receptive, courteous service to everyone.
- b.) I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
- c.) In my interactions with constituents, I am interested, engaged, and responsive.

4. **As a Representative of the City of Lodi, I will be fiscally responsible.**  
**In practice, this value looks like:**
- a.) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
  - b.) I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, and funds) and follow established procedures.
  - c.) I make good financial decisions that seek to preserve programs and services for City residents.
5. **As a Representative of the City of Lodi, I will be organized.**
- a.) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
  - b.) I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
  - c.) I am respectful of established City processes and guidelines.
6. **As a Representative of the City of Lodi, I will be communicative.**  
**In practice, this value looks like:**
- a.) I convey the City's care for and commitment to its citizens.
  - b.) I communicate in various ways that I am approachable, open-minded and willing to participate in dialog.
  - c.) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.
7. **As a Representative of the City of Lodi, I will be collaborative.**  
**In practice, this value looks like:**
- a.) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
  - b.) I work towards consensus building and gain value from diverse opinions.
  - c.) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
  - d.) I consider the broader regional and state-wide implications of the City's decisions and issues.
8. **As a Representative of the City of Lodi, I will be progressive.**  
**In practice, this value looks like:**
- a.) I exhibit a proactive, innovative approach to setting goals and conducting City's business.
  - b.) I display a style that maintains consistent standards, but is also sensitive to the need to compromise, "thinking outside the box," and improving existing paradigms when necessary.
  - c.) I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1747 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – by Repealing and Reenacting Chapter 13.14, 'Stormwater Management and Discharge Control,' Relating to Stormwater"

**MEETING DATE:** May 19, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1747.

**BACKGROUND INFORMATION:** Ordinance No. 1747 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – by Repealing and Reenacting Chapter 13.14, 'Stormwater Management and Discharge Control,' Relating to Stormwater" was introduced at the regular City Council meeting of May 5, 2004.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the Interim City Attorney.

**FUNDING:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP  
Attachment

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

ORDINANCE NO. 1747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING LODI MUNICIPAL CODE TITLE 13 – PUBLIC  
SERVICES BY REPEALING AND REENACTING CHAPTER  
13.14 “STORMWATER MANAGEMENT AND DISCHARGE  
CONTROL” RELATING TO STORMWATER

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.14 “Stormwater Management and Discharge Control” is hereby repealed and reenacted to read as follows:

Chapter 13.14

STORMWATER MANAGEMENT AND DISCHARGE CONTROL

Article 1. General Provisions

Sections:

- 13.14.010 Title
- 13.14.020 Purpose and Intent
- 13.14.030 Definitions
- 13.14.040 Conflicts with Other Laws

Article II. Discharge Restrictions

- 13.14.050 Discharge of Nonstormwater Prohibited
- 13.14.060 Exceptions to Discharge Prohibition
- 13.14.070 Groundwater Discharges
- 13.14.080 Discharge in Violation of Permit
- 13.14.090 Illicit Connections Prohibited
- 13.14.100 Concealment and Abetting
- 13.14.110 Acts potentially Resulting in Violation of Federal Clean Water Act and Porter Cologne Act
- 13.14.120 Reduction of Pollutants in Stormwater
- 13.14.130 Containment and Notification of Spills

Article III. Service Charges and Fees

- 13.14.140 Storm Drain and Cooling Water Service Charges
- 13.14.150 Billing and Collections

Article IV. Construction Generally

- 13.14.160 Permit
- 13.14.170 Design Standards

Article V. Extensions

- 13.14.210 Purposes
- 13.14.220 Applications
- 13.14.230 Applicant's Obligation
- 13.14.240 Extension for Full Frontage Width
- 13.14.250 Minimum Diameter
- 13.14.260 Reimbursement – Oversize Mains

Article VI. Administration

- 13.14.310 Monitoring Facilities
- 13.14.320 Inspection, Sampling, Monitoring and Analysis
- 13.14.330 Accidental Discharge Prevention
- 13.14.340 Confidential Information
- 13.14.350 Special Agreements

Article VII. Enforcement

- 13.14.410 Inspection Authority
- 13.14.420 Enforcement Authority
- 13.14.430 Remedies not Exclusive
- 13.14.440 Compliance Timetable
- 13.14.450 Appeal
- 13.14.460 Disclaimer of Liability
- 13.14.470 City Authority
- 13.14.480 Judicial Review

Article I. General Provisions

- 13.14.010 Title

This chapter shall be known as the City “Stormwater Management and Discharge Control Code,” and may be cited as such, and will be referred to herein as “this chapter.”

- 13.14.020 Purpose and Intent

The purpose of this chapter is to protect and promote the health, safety and general welfare of the citizens of the City by controlling Nonstormwater Discharges to

the Stormwater Conveyance System, by eliminating discharges to the Stormwater Conveyance System from spills, dumping or disposal of materials other than Stormwater, and by reducing Pollutants in urban Stormwater discharges to the maximum extent practicable. This chapter is intended to assist in the protection and enhancement of the water quality of Watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act and amendments thereto and to assure compliance with the conditions set forth by the National Pollution Discharge Elimination System (NPDES) as requirements of Stormwater discharge permits.

#### 13.14.030 Definitions

The following words, when used in this chapter, shall have the following meanings:

“Basin Plan” means the water quality control plan for the San Joaquin River Basin adopted by the Central Valley Regional Quality Control Board, Central Valley Region.

“Best Management Practices” (BMP) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of Pollutants directly or indirectly to waters of the United States. “Best management practices” also include treatment requirements, operating procedures, and practices to control plant runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage.

“City” means the City of Lodi.

“Development” means the building or placement of any structure or portion thereof. “Development” includes excavation and grading.

“Employee Training Program” means a documented Employee Training Program which may be required to be implemented by a business pursuant to a Stormwater Pollution Prevention Plan for the purpose of educating its employees on methods of reducing discharge of Pollutants to the Stormwater Conveyance System.

“Enforcement Agency” means the City of Lodi through its Public Works Department.

“Enforcement Official” means the Public Works Director or his or her designee or any agent of the City authorized to enforce compliance with this chapter.

“Illegal Discharge” means any discharge to the Stormwater Conveyance System that violates this chapter, or is prohibited by federal, state, or local laws, or which degrades the quality of Receiving Waters in violation of any Plan Standard.

“Illicit Connection” means any physical connection to the Stormwater conveyance system which is not authorized by the City of Lodi or the Regional Water Quality Control Board Central Valley Region.

“National pollution discharge elimination system (NPDES) permit” means a permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Division 7, Chapter 5.5 of the California Water Code (commencing with Section 13370) to control discharges from point sources to waters of the United States.

“Noncommercial Vehicle Washing” means the washing and rinsing of passenger vehicles on private property in which no commercial enterprise is being conducted in the washing of those vehicles.

“Nonstormwater Discharge” means any discharge to the Stormwater Conveyance System that is not entirely composed of Stormwater.

“Order” means current Regional Water Quality Control Board Order or general permit which applies to the city of Lodi together with all amendments.

“Person” means any Person, firm, corporation, business entity, or public agency, whether principal, agent, employee, or otherwise.

“Plan Standard” means any or all applicable requirements of the basin plan or any other approved plan.

“Pollutant” means any contaminant which can degrade the quality of the receiving water in violation of any Plan Standard.

“Premises” means any building, lot, parcel, land or portion of land whether improved or unimproved.

“Public Works Director” means the director of the City of Lodi, Public Works Department or his or her designee.

“Receiving Waters” means surface bodies of water, including creeks, canals, and rivers, which serve as discharge points for the Stormwater Conveyance System.

“Stormwater” means surface runoff and drainage associated with storm events which is free of Pollutants to the maximum extent practicable.

“Stormwater Conveyance System” means those artificial and natural facilities within the City of Lodi, whether publicly or privately owned, by which Stormwater may be conveyed to a Watercourse or waters of the United States, including any roads with drainage systems, streets, alleys, catch basins, pumps, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, sand and oil separators, open fields, parking lots, impervious surfaces used for parking, and natural and artificial channels or storm drains.

“Stormwater Pollution Prevention Plan” means a document which describes the Best Management Practices to be implemented by the owner or operator of a business or City to eliminate Nonstormwater Discharges and/or reduce to the maximum extent practicable Pollutant discharges to the Stormwater Conveyance System.

“User” means any Person that discharges, causes or permits the discharge of Stormwater into the conveyance system.

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, and includes, without limitation rivers, creeks, canals, runs, and rivulets.

Any term(s) defined in the Federal Clean Water Act, as amended, and/or defined in the regulations for the Stormwater discharge permitting program issued by the Environmental Protection Agency, as amended, and which are not specifically defined in the above definitions of this section shall, when used in this chapter, have the same meaning as set forth in said act or regulation.

#### 13.14.040 Conflicts with Other Laws

In the event of any conflict between this chapter and any federal or state law, regulation, order, or permit, that requirement which establishes the higher standard for public health or safety shall govern. To the extent permitted by law, nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order or permit.

### Article II Discharge Restrictions

#### 13.14.050 Discharge of Nonstormwater Prohibited

Except as provided in Section 13.14.060 of this chapter, it is unlawful for any Person to make or cause to be made any Nonstormwater Discharge. Notwithstanding the exemptions provided in this chapter, if the Regional Water Quality Control Board or the Enforcement Official determines that any otherwise exempt discharge causes or significantly contributes to violations of any Plan Standard, or conveys significant quantities of Pollutants to surface water(s) or Watercourse(s), or is a danger to public health or safety, such discharge shall be prohibited from entering the Stormwater Conveyance System.

#### 13.14.060 Exceptions to Discharge Prohibition

Subject to the authority granted to the Regional Water Quality Control Board and the Enforcement Official in Section 13.14.420 of this chapter, the following discharges to the Stormwater Conveyance System are exempt from the prohibition set forth in Section 13.14.050 of this chapter.

A. Any discharge or connection regulated under a NPDES permit issued to the discharger and administered by the State of California pursuant to Division 7, Chapter 5.5 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations;

B. Discharges from the following activities which do not cause or contribute to the violation of any Plan Standard:

1. Water line and well flushing and other discharges from potable water sources,
2. Landscape irrigation and lawn watering,
3. Rising ground waters or springs,
4. Passive foundation and footing drains,
5. Water from crawl space pumps and basement pumps,
6. Air conditioning condensate,
7. Noncommercial Vehicle Washing,
8. Natural flows from riparian habitats and wetlands,
9. Dechlorinated swimming pool discharges,

10. Flows from fire suppression activities, including fire hydrant flows and fire hydrant flow testing.
11. Waters not otherwise containing wastes as defined in California Water Code Section 13050(d) and California Health and Safety Code Section 25117,
12. Diverted stream flows,
13. Uncontaminated ground water infiltration to separate storm sewers;

C. Any discharge which the Enforcement Official, the local health officer, or the Regional Water Quality Control Board determines in writing is necessary for the protection of the public health and safety;

D. Any discharge caused by flooding or other natural disaster which could not have been reasonably foreseen or mitigated for in advance by the discharger, as determined by the Enforcement Official.

#### 13.14.070 Groundwater Discharges

Discharges of pumped groundwater not subject to a NPDES permit may be permitted to discharge to the Stormwater Conveyance System upon written approval from the City and in compliance with conditions of approval set forth by the City.

#### 13.14.080 Discharge in Violation of Permit

It is unlawful for any Person to cause either individually or jointly any discharge to the Stormwater Conveyance System which results in or contributes to a violation of Order No. 2003-0005 DWG.

#### 13.14.090 Illicit Connections Prohibited

It is unlawful and a violation of this chapter for any Person to establish, use, or maintain any Illicit Connection.

#### 13.14.100 Concealment and Abetting

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of this chapter.

#### 13.14.110 Acts Potentially Resulting in Violation of Federal Clean Water Act and/or Porter-Cologne Act

Any Person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the Federal Clean Water Act (33 USC 1251 et seq.) and or Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and may be subject to the sanctions of those Acts including civil and criminal penalties.

### 13.14.120 Reduction of Pollutants in Stormwater

Any Person engaged in activities which may result in Pollutants entering the Stormwater Conveyance System shall, to the maximum extent practicable, undertake the measures set forth below to reduce the risk of Nonstormwater Discharge and/or Pollutant discharge.

#### A. Business Related Activities

1. Stormwater Pollution Prevention Plan. The Enforcement Official may require any business in the City that is engaged in activities which may result in Pollutant discharges to develop and implement a Stormwater Pollution Prevention Plan, which must include an Employee Training Program. Business activities which may require a Stormwater Pollution Prevention Plan include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures which are carried out partially or wholly out of doors.

2. Coordination with Hazardous Materials Release Response Plans and Inventory. Any business requiring a hazardous materials release response and inventory plan under Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting Nonstormwater Discharges and Illegal Discharges, and requiring the release of Pollutants to be reduced to the maximum extent practicable.

3. Coordination with Hazardous Waste Generator Contingency Plan and Emergency Procedures. Any business requiring a hazardous waste generator contingency plan and emergency procedures pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting Nonstormwater Discharges and Illegal Discharges, and requiring the release of Pollutants to be reduced to the maximum extent practicable.

#### B. Development

1. The Enforcement Official may develop BMP including controls as appropriate to minimize the long-term, post construction discharge of Stormwater Pollutants from new development(s) or modifications to existing development(s). Controls may include source control measures to prevent pollution of Stormwater and/or treatment controls designed to remove Pollutants from Stormwater.

2. Any Person performing construction in the City shall prevent Pollutants from entering the Stormwater Conveyance System and comply with all applicable federal, state and local laws, ordinances or regulations including but not limited to the State general permit for Stormwater discharges associated with construction activity and the City grading, erosion and sediment control policies.

C. Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger subject to any general Stormwater permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, the Regional Water Quality Control Board Central Valley Region or the City of Lodi shall comply with the requirements of such permit, and shall provide copies of permits and applicable reports to the Enforcement Official upon request.

D. Compliance with Best Management Practices. Every Person undertaking any activity or use of a Premises which may cause or contribute to Stormwater pollution or contamination, Illegal Discharges, or Nonstormwater Discharges shall comply with Best Management Practices guideline or pollution control requirements as may be reasonably established by the Enforcement Official.

#### 13.14.130 Containment and Notification of Spills

Any Person owning or occupying a Premises who has knowledge of any release of Pollutants or Nonstormwater Discharge from or across those Premises which might enter the Stormwater Conveyance System, other than a release or discharge that is permitted by this chapter, shall immediately take all reasonable action to contain and abate the release of Pollutants or Nonstormwater Discharge, and shall notify the Enforcement Agency within twenty-four (24) hours of the release of Pollutants or Nonstormwater Discharge.

### Article III Service Charges and Fees

#### 13.14.140 Storm Drain and Cooling Water Service Charges

A. The fees and charges for disposal of storm waters, cooling water discharges or construction flush waters into the City's Stormwater Conveyance System will be those established and approved by the City Council from time to time by resolution.

B. The schedule of charges for the inspection, sampling and analysis of questionable storm water flowing into the City's Stormwater Conveyance System will be those established and adopted by the City council from time to time by resolution.

C. The City shall estimate and determine the amount of storm, cooling water or construction flush waters deposited into the City's Stormwater Conveyance System unless the User of the service elects to provide, install and maintain in good working order an integrating meter satisfactory to the City for the purposes of measuring such storm, cooling water or construction flush water.

D. In determining the amount of storm, cooling water or construction flush waters deposited into the City's Stormwater Conveyance System, no charge shall be made for the storm waters or minor irrigation waters or drainage from roofs, pavements or hard-surfaced areas within the City limits. Where such drainage is metered along with construction flush water, a credit of one thousand two hundred fifty (1,250) gallons per year for each one hundred (100) square feet, as projected and measured upon a horizontal plane, or such drainage area tributary to the meter shall be allowed. Where roofs or other areas are sprinkled or flushed, such flushing or sprinkling waters shall be included in the quantities for billing purposes.

#### 13.14.150 Billing and Collections

All billing and collections for service charges shall be per Section 13.04.030 of this code.

## Article IV. Construction Generally

### 13.14.160 Permit

No unauthorized Person shall uncover, make any connection with or opening into, use, alter or disturb any Stormwater Conveyance System or appurtenances, thereof without first obtaining a written permit from the Public Works Director.

### 13.14.170 Design Standards

All construction of public Stormwater Conveyance Systems or appurtenances shall conform to the design criteria, the standard plans and specifications and the inspection and testing procedures in accordance with current City public improvement design standards.

## Article V. Extensions

### 13.14.210 Purpose

The City council has adopted a Stormwater conveyance extension policy that is fair and equitable to all developing properties and that provides that the cost of extension shall be distributed among subsequently developing properties connecting thereto.

### 13.14.220 Application

Whenever a property owner requires storm drainage, an application shall be made to the Public Works Department. The Public Works Director shall determine the closest Stormwater conveyance and, if an extension is necessary, indicate the size of the main to be extended and the limits of the extension.

### 13.14.230 Applicant's Obligation

Whenever the Public Works Director determines that a Stormwater conveyance extension is necessary, the applicant will be required to install, at the applicant's own expense, the Stormwater conveyance extension in accordance with the engineering plans furnished by applicant and approved by the Public Works Director. The plans shall be prepared in accordance with the City design standards.

### 13.14.240 Extension for Full Frontage Width

In every case where a storm drain is to be tapped to serve a parcel, the same shall be extended the full frontage of the parcel unless the Public Works Director determines that the storm drain will not need to be extended to serve any other properties.

### 13.14.250 Minimum Diameter

The minimum size storm drain shall have a nominal inside diameter of twelve (12) inches. Larger size mains may be required as determined by the Public Works Director in accordance with the City public improvement design standards to the City master storm drain plans.

#### 13.14.260 Reimbursement – Oversize Mains

Whenever the City requires that a storm drain larger than eighteen (18) inches in diameter be installed in order to serve additional property or to conform to the applicable master plan, the applicant shall be reimbursed for the oversized pipe. The reimbursement shall be based on the difference in cost between the actual pipe to be installed and an eighteen-inch storm drain as applicable. The difference in cost shall be determined by the Public Works Director. The reimbursement shall be made in accordance with Chapter 16.40.

### Article VI. Administration

#### 13.14.310 Monitoring Facilities

A. The Public Works Director may require a commercial/industrial User to construct and maintain, at the User's expense, monitoring facilities which meet all government safety regulations (OSHA) to allow inspection, sampling and flow measurement of the building internal storm drainage systems and may also require sampling or metering equipment to be provided, installed, operated and maintained at the User's expense. The monitoring facility should normally be situated on the User's Premises, but the Public Works Director may, when such a location would be impractical or cause undue hardship on the User or the City, require the facility to be constructed in the public right-of-way and located so that it will not be obstructed by landscaping or parked vehicles.

B. When the monitoring facility is inside the User's fence, there shall be accommodations to allow access for the Enforcement Official, such as a gate secured with a City lock. There shall be ample room in or near such monitoring facility to allow accurate sampling and compositing of samples for analysis. The monitoring facility shall be maintained at all times in a safe and proper operating condition at the expense of the User.

C. Whether constructed on public or private property, plans and specifications shall be approved by the Public Works Director and be in accordance with all applicable City construction standards and specifications. Construction shall be completed within sixty (60) days following written notification by the City, unless a time extension is otherwise granted by the City.

#### 13.14.320 Inspection, Sampling, Monitoring and Analysis

The Enforcement Official may inspect the facilities of any User to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of Premises where Stormwater is discharged shall allow the Public Works Director or designated representative ready access at all reasonable times to all parts of the Premises for the purposes of inspection or sampling or in performance of any of their duties. The Enforcement Official shall have the right to set up on the User's property such devices as are necessary to conduct sampling or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their Premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, the Enforcement Official will be permitted to enter without delay for the purposes of performing their specific responsibilities. The User may be charged a fee to recover the costs for inspection (investigations), sampling, monitoring and analyses performed by the City to establish billing rates and to ensure compliance with all regulations.

#### 13.14.340 Confidential Information

A. All information and data on a User obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless (1) the User specifically requests and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes or methods that would be detrimental to the User's competitive position; and (2) disclosure is not required by the California Public Records Act.

B. When requested by the Person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies per 40 CFR 403.14; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the Person furnishing the report. Stormwater constituents and characteristics will not be recognized as confidential information.

#### 13.14.350 Special Agreements

Special agreements and arrangements between the City and any Persons or agencies may be established when, in the opinion of the City council, unusual or extraordinary circumstances compel special terms and conditions. However, in no case may federal standards be waived or modified.

### Article VII. Enforcement

#### 13.14.410 Inspection Authority

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized Enforcement Official has reasonable cause to believe that there exists in any building or upon any Premises any condition which constitutes a violation of this chapter, the Enforcement Official may enter such building or Premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter. Any request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event that such entry is refused, inspection may be made upon issuance of a warrant issued by a court of competent jurisdiction. In the event the owner or occupant refuses entry after such request has been made, the Enforcement Official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. Inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to, random sampling and/or sampling in areas with evidence of Stormwater contamination, Illegal Discharge, Nonstormwater Discharge to the Stormwater Conveyance System, or similar factors.

A. Sampling Authority. During any inspection, the Enforcement Official may take samples as necessary in order to implement and enforce the provisions of this chapter. This authority may include the installation of sampling and metering devices on private property, or requiring the Person owning or occupying the Premises to supply samples.

B. Monitoring, Analysis and Reporting Authority. The Enforcement Official may require monitoring, analysis and reporting of discharges from any Premises to the Stormwater Conveyance System. Upon service of written notice by the Enforcement Official, the burden, including cost, of these activities, analyses and reports, incurred in complying with the requirement shall, to the extent permitted by law, be borne by the property owner or occupant of the facility or activity for which testing and monitoring has been requested.

#### 13.14.420 Enforcement Authority

The Enforcement Official may exercise any enforcement powers authorized or provided in this code, including without limitation, administrative penalties pursuant to this code, as may be necessary to effectively implement and enforce this chapter.

A. Administrative Enforcement Powers. The Enforcement Official may also exercise any of the following supplemental enforcement powers as may be necessary or advisable in the Enforcement Official's judgment under the circumstances:

1. Notice of Violation (NOV). Whenever the Enforcement Official finds that any Person owning or occupying a Premises has violated or is violating this chapter or an order issued hereunder, the Enforcement Official may serve, by personal service, or by registered or certified mail, upon said Person a written NOV. Within thirty (30) days of the receipt of this notice, or as may be prescribed in the NOV, the person so noticed shall submit to the Enforcement Official an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions. Submission of this plan shall in no way relieve the Person of liabilities for violations occurring before or after receipt of the NOV.

2. Cease and Desist Orders. The Enforcement Official may require any Person owning or occupying a premises to cease and desist all activities that may cause or contribute to discharge in violation of this chapter. This order may also require such Person to: (i) comply with the applicable provisions of this chapter within a designated period of time or; (ii) take appropriate remedial or preventative action to keep the violation from recurring.

3. Notice to Clean and Abate. The Enforcement Official may require any Person owning or occupying a premises to clean up and abate any release of Pollutants on those Premises which may result in a violation of this chapter. The Enforcement Official may also order abatement of activities or practices which may reasonably be expected to result in such a violation.

4. Mitigation. The Enforcement Official shall have authority to order the mitigation of circumstances which may result in or contribute to Illegal Discharges.

5. Stormwater Pollution Prevention Plan. The Enforcement Official shall have the authority to establish elements of a Stormwater Pollution Prevention Plan, and to require any business to adopt and implement such a plan, as may be reasonable and necessary to fulfill the purposes of this chapter.

6. Best Management Practices. The Enforcement Official may establish the requirements of Best Management Practices for any Premises.

7. Violations Constituting Misdemeanors. In addition to civil penalties provided for in this chapter, any violation of this chapter may be punishable as a misdemeanor as provided by Section 1.08.010 of this code.

8. Violations Deemed a Public Nuisance. In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety or welfare and is thus deemed a nuisance. Any such nuisance may be summarily abated and/or restored by any authorized Enforcement Official. The City attorney is authorized to pursue civil action(s) pursuant to subsection B of this section to abate, enjoin, or otherwise compel the cessation of the nuisance.

9. Cost Recovery. The cost of the abatement and restoration shall be borne by the owner of the property and the cost therefore shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days, the Enforcement Official shall have the authority to place a lien upon and against the property. If the lien is not satisfied within three months, the Enforcement Official is authorized to take all legal measures as are available to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought for a money judgment or by delivery to the county assessor or a special assessment against the property in accordance with Government Code Section 38773.5

10. Seasonal and Recurrent Nuisance. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the Enforcement Official shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

11. Costs of Enforcement. If the City prevails in any administrative, civil or criminal proceeding initiated under this chapter, the City shall be entitled to seek reimbursement for all costs incurred in connection with said proceeding. Such reimbursable expenses may include, but are not limited to, costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, and costs of suit. If any such costs are granted to the City, said costs shall be recoverable pursuant to subsection (A)(9) of this section.

B. Civil Actions. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City attorney. Monies recovered under this subsection shall be paid to the City to be used exclusively for costs associated with monitoring and establishing Stormwater discharge pollution control systems and/or implementing or enforcing the provisions of this chapter. In any such action, the City may seek, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction;
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
3. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation;

4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life not to exceed \$6,000 per day, per occurrence in which such violations occur. The City attorney, upon order of the City council, shall petition the superior court to impose, assess and recover such sums. This penalty is in addition to any penalties which may be imposed by the State Regional Water Quality Control Board and the Environmental Protection Agency. Should the damage also cause the City to be cited for a violation of State or Federal requirements, the cost of said citation will be passed onto the offending party.

C. Authority to Arrest or Issue Citations. Any authorized Enforcement Official shall have and is vested with the authority to arrest or cite and release any Person who violates any section of this chapter in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or infractions as described by Chapters 5, 5(c) and 5(d) of Title 3, Part 2 of the California Penal Code (or as the same may hereafter be amended). Such authorized Enforcement Official may issue citations and notice to appear in the manner prescribed by Chapter 5(c) Title 3, Part 2 of the California Penal Code, including Section 853.6 (or as the same may hereafter be amended). It is the intent of the City council that the immunities prescribed in Section 836.5 of the California Penal Code be applicable to public officers or employees acting in the course and scope of employment pursuant to this chapter.

D. Emergency Orders and Abatements. The Enforcement Official may order the abatement of any discharge from any source to the Stormwater Conveyance System when, in the opinion of the Enforcement Official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment, or a violation of a NPDES permit. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety or welfare, or the environment or a violation of a NPDES permit, the City may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of subsection (A)(9) of this section.

E. Contents of Notice. Any NOV, cease and desist order, or other civil notice or civil order issued by the Enforcement Official pursuant to this chapter shall include a copy of Section 13.14.450 of this chapter outlining appeal rights.

#### 13.14.430 Remedies not Exclusive

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

#### 13.14.440 Compliance Timetable

When the City finds that discharge of unacceptable Stormwater has been taking place, or is threatening to take place, in violation of prohibitions or limitations prescribed in this chapter, the City may require the User to submit for approval, with such modifications as it deems necessary a detailed time schedule of specific actions, which the User shall take in order to prevent or correct a violation of requirements.

#### 13.14.450 Appeal

A. Any Person served with a NOV, who is subject to a cease and desist order, who is subject to an abatement order, who is required to perform monitoring, analyses, reporting and/or corrective activities by an authorized Enforcement Official, or who is otherwise grieved by the decision of the authorized Enforcement Official, may appeal the decision to the Public Works Director within ten (10) days following the effective date of the decision by filing a written appeal with the Public Works Director. Upon receipt of such request, the Public Works Director shall request a report and recommendation from the authorized Enforcement Official and shall set the matter for hearing at the earliest practical date. Due notice of the hearing shall be provided to the Person appealing the decision of the authorized Enforcement Official. At the hearing, the Public Works Director may hear additional evidence, and may reject, affirm or modify the authorized Enforcement Official's decision.

B. If the ruling made by the Public Works Director is unsatisfactory to the person requesting reconsideration, the person, may, within twenty days after notification of the City's action, file a written appeal to the City Council. The written appeal shall be heard by the council within twenty days from the date of filing. The City council shall make a final ruling on the appeal within twenty days of the hearing. The determination shall remain in effect during such period of reconsideration.

#### 13.14.460 Disclaimer of Liability

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of Pollutants into the waters of the United States. This chapter shall not create liability on the part of the City, any officer or employee thereof for any damages that result from reliance on the code or any administrative decision lawfully made thereunder.

#### 13.14.470 City Authority

The Enforcement Official is authorized to make any decision on behalf of the City required or called for by this chapter.

#### 13.14.480 Judicial Review

The provisions of California Code of Civil Procedure Section 1094.6 are applicable to judicial review of City decisions pursuant to this chapter.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after its passage and approval.

Approved this 19<sup>th</sup> day of May, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1747 was introduced at a regular meeting of the City Council of the City of Lodi held May 5, 2004, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held May 19, 2004, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES; COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1747 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
Interim City Attorney

Comments by the City Council Members on non-agenda items